

EXHIBIT

“14”

(2 of 2)

EXHIBIT “14”

<p style="text-align: right;">Page 94</p> <p>1 A. Okay.</p> <p>2 Q. Of Exhibit 3.</p> <p>3 A. Uh-huh.</p> <p>4 Q. It says, As you know, we have been examining the</p> <p>5 issue of whether we are collecting the necessary</p> <p>6 information. And I'm going to stop in the middle of that</p> <p>7 sentence there.</p> <p>8 What necessary information are you referring to</p> <p>9 there?</p> <p>10 A. All the necessary documents to show that there was a</p> <p>11 loss incurred.</p> <p>12 Q. Okay. And perhaps I can speed this up just a bit</p> <p>13 here.</p> <p>14 Let's turn, if we can, to the initial disclosures,</p> <p>15 Bates numbered document number 12.</p> <p>16 A. Okay.</p> <p>17 MR. SINCLAIR: And we can make that an</p> <p>18 exhibit, too. We'll make that Bates numbered LIIA12 is</p> <p>19 going to be Exhibit 4.</p> <p>20 (Deposition Exhibit 4 was marked.)</p> <p>21 Q. (BY MR. SINCLAIR: All right. When you refer to</p> <p>22 information necessary to pay claims.</p> <p>23 A. Uh-huh.</p> <p>24 Q. There is -- well, tell me what Exhibit 4 is?</p> <p>25 A. That is a claims scanning guide scanning into our</p>	<p style="text-align: right;">Page 96</p> <p>1 documents. They just -- they label them by what they --</p> <p>2 the major types of documents.</p> <p>3 Q. Okay. So that's not a checklist for what's necessary</p> <p>4 to process claims?</p> <p>5 A. No.</p> <p>6 Q. Is there a checklist for what's necessary to process</p> <p>7 claims?</p> <p>8 A. I don't know if there's a specific checklist.</p> <p>9 There's an information sheet of what we send out.</p> <p>10 Q. An information sheet. Okay. I think I know what</p> <p>11 you're referring to there.</p> <p>12 MR. SINCLAIR: Let me mark this as</p> <p>13 Exhibit 5.</p> <p>14 (Deposition Exhibit 5 was marked.)</p> <p>15 Q. (BY MR. SINCLAIR) And I'll ask you if that's what</p> <p>16 you're referring to? Is that the information sheet you're</p> <p>17 referring to?</p> <p>18 A. Yeah, this -- this goes out with the claim package.</p> <p>19 Q. Okay. So when you are referring to, in your memo as</p> <p>20 Exhibit 3, collecting the necessary information, you're</p> <p>21 referring to your instructions for submitting a claim, as</p> <p>22 we've made as Exhibit 5?</p> <p>23 MR. LEVENTHAL: Objection to the form of</p> <p>24 the question. Misstates what the memo said.</p> <p>25 A. I'm sorry. Can you reask question?</p>
<p style="text-align: right;">Page 95</p> <p>1 image system.</p> <p>2 Q. I'm sorry. What do you mean, scanning into?</p> <p>3 A. It's -- we have a -- we're on a paperless computer</p> <p>4 system.</p> <p>5 Q. Okay.</p> <p>6 A. So we scan -- this is a guide that's like the</p> <p>7 documents behind it. And this is the guide that shows</p> <p>8 that there are these documents behind that separates the</p> <p>9 various claims.</p> <p>10 Q. Okay. And that form then is it -- it says, Claims</p> <p>11 Scan Guide Sheet?</p> <p>12 A. Uh-huh.</p> <p>13 Q. You just take the claims form and scan it in, and</p> <p>14 that's what you're talking about there?</p> <p>15 A. Right.</p> <p>16 Q. Okay.</p> <p>17 A. The mailroom will attach this and what's behind it.</p> <p>18 This is a separator.</p> <p>19 Q. I gotcha.</p> <p>20 Now, does that sheet, which is marked as Exhibit 4,</p> <p>21 have a checklist for the documents that were received in</p> <p>22 prior to your memo in order to pay claims?</p> <p>23 A. It's just different types. It's not -- this is done</p> <p>24 by the mailroom. So it's just -- they don't know --</p> <p>25 they're not a claims examiner. They don't know all the</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Sure. When you say, collecting the necessary</p> <p>2 information in your memo there in Exhibit 3, are you</p> <p>3 referring to the necessary information in Exhibit 5?</p> <p>4 A. I'm referring to -- yes, that we are getting all the</p> <p>5 information needed to show proof of loss and process the</p> <p>6 claim.</p> <p>7 Q. Okay. And let me direct your attention to Exhibit 5</p> <p>8 now.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Exhibit 5 is the -- it's titled, "Instructions For</p> <p>11 Submitting A Claim," correct?</p> <p>12 A. Uh-huh.</p> <p>13 Q. And this is a version of those instructions that</p> <p>14 predates your memo, correct?</p> <p>15 A. Yes. December 2002.</p> <p>16 Q. Okay. That's the DSI 474-1202 designation at the</p> <p>17 bottom of Exhibit 5?</p> <p>18 A. Yeah. That would be the date, uh-huh.</p> <p>19 Q. Okay. So this is the December of '02 version for</p> <p>20 instructions for submitting a claim that we're looking at</p> <p>21 in Exhibit 5?</p> <p>22 A. Uh-huh.</p> <p>23 Q. I'm sorry?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And this instruction does not call for EOBs</p>

<p>Page 98</p> <p>1 from medical providers, health care providers, does it?</p> <p>2 A. No, it does not.</p> <p>3 Q. Actually, this is an instruction for submitting a</p> <p>4 claim that covers a couple of different lines of business,</p> <p>5 doesn't it?</p> <p>6 A. Yes, as listed.</p> <p>7 Q. Okay. And let's refer then to the instructions for</p> <p>8 cancer, specified disease, hospital, and heart line of</p> <p>9 business there in the text of Exhibit 5.</p> <p>10 Does that call for submission of explanation of</p> <p>11 benefits provided by health care providers to be submitted</p> <p>12 for a claim?</p> <p>13 A. I'm sorry. What was the question again? I'm sorry.</p> <p>14 I was reading and I --</p> <p>15 Q. Sure. That's okay.</p> <p>16 In the instructions for submitting a claim for cancer</p> <p>17 policies as identified in Exhibit 5, does that identify as</p> <p>18 documents necessary to be submitted for a claim EOBs from</p> <p>19 medical -- health care providers?</p> <p>20 A. No, it -- no.</p> <p>21 Q. Okay. So -- and just to get to the heart of this.</p> <p>22 What your memo does is say that we need to get copies of</p> <p>23 those EOBs from Blue Cross Blue Shield or Medicaid or</p> <p>24 other health care providers, right?</p> <p>25 MR. LEVENTHAL: Objection to the form of</p>	<p>Page 100</p> <p>1 Q. Okay.</p> <p>2 A. James Byrne and let's see, Brian Kleinhelter, who's</p> <p>3 -- was on Jim's staff.</p> <p>4 Q. You'll have to spell that, please?</p> <p>5 A. I --</p> <p>6 Q. Do we just need to spell it phonetically?</p> <p>7 A. Yeah. It's like K-L-E-I-N-H-E-L-T-E-R, but I'm --</p> <p>8 that could be off by a couple of letters.</p> <p>9 Q. Okay.</p> <p>10 A. And Barbara Melton who worked for Deborah Alexander.</p> <p>11 Q. Any other members of that project team?</p> <p>12 A. And then Steve Gwin, Mark Edwards. For a period of</p> <p>13 time the project manager Teresa Dressing, she was -- she</p> <p>14 kind of started it, but then it was transitioned to Steve</p> <p>15 to oversee, because she had to be moved to another project</p> <p>16 at the time. The other -- there was probably somebody</p> <p>17 from IT, but I don't know specifically who. That's all</p> <p>18 that I can remember right now.</p> <p>19 Q. Okay. You've given me the names of -- as far as</p> <p>20 project team members in correcting what you've called an</p> <p>21 error, you indicated that it was comprised of Deborah</p> <p>22 Alexander, James Byrne, Brian Kleinhelter, Barbara Melton,</p> <p>23 Steve Gwin, Mark Edwards, Teresa Dressing and an unknown</p> <p>24 IT person. Any other persons that you can recall?</p> <p>25 A. Kelly Adams.</p>
<p>Page 99</p> <p>1 the question. You can answer.</p> <p>2 A. My memo is saying that we've -- we've found an error</p> <p>3 in what we were doing, and we needed to correct it because</p> <p>4 we weren't collecting all of the necessary --</p> <p>5 Q. Yeah. Okay. What error are you referring to?</p> <p>6 A. That we -- we were not -- that we were paying claims</p> <p>7 in excess of actual charges.</p> <p>8 Q. Okay. And the error, have you corrected it now?</p> <p>9 A. Yes, we have.</p> <p>10 Q. Okay. How did you correct that error?</p> <p>11 A. Well, we put together a project team that worked on</p> <p>12 procedures and forms and processes and notified, gave</p> <p>13 advanced notice to the customers to -- you know, of the</p> <p>14 correction and the additional forms that we were going to</p> <p>15 need and implemented it.</p> <p>16 Q. Any other steps that you've taken to correct what you</p> <p>17 call an error?</p> <p>18 A. You mean -- what do you mean specifically?</p> <p>19 Q. Okay. Well, let's -- let's start off with, you put</p> <p>20 together a project team. Who are the members of the</p> <p>21 project team?</p> <p>22 A. Staff from the claims department and Deborah and Jim</p> <p>23 and couple of their staff.</p> <p>24 Q. I'm sorry. Deborah?</p> <p>25 A. Deborah Alexander.</p>	<p>Page 101</p> <p>1 Q. Kelly Adams.</p> <p>2 A. Did I say Mark Edwards?</p> <p>3 Q. You did.</p> <p>4 A. Okay.</p> <p>5 Q. Okay. So that project team that you refer to was put</p> <p>6 together as a result of your memorandum?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And what was your responsibility with regard</p> <p>9 to that project team?</p> <p>10 A. I mean, all of those people were in my downline of</p> <p>11 responsibility. They were implementing what I asked them</p> <p>12 to do.</p> <p>13 Q. So you were in charge of the project team?</p> <p>14 A. Well, I mean, they reported -- I mean, several of the</p> <p>15 staff reported to me. So I was in charge of making sure</p> <p>16 that they implemented what I asked them to do.</p> <p>17 Q. Well -- okay. In your -- well, who was responsible</p> <p>18 for approving your proposed change?</p> <p>19 A. Approving the memo?</p> <p>20 Q. Yes.</p> <p>21 A. No one. Me.</p> <p>22 Q. Who was responsible for approving the change</p> <p>23 recommended in your memo?</p> <p>24 A. Well, I mean, it was approved by Kelly and myself and</p> <p>25 Mark and -- well, Steve reported to Kelly. So the three</p>

Page 102

Page 104

1 of us approved it, and then we sought approval from our
 2 supervisors.
 3 Q. And who was that?
 4 A. Brenda Clancy. Kelly's boss at the time was Chris
 5 Garrett. And Mark's boss at the time was David Goldstein.
 6 Q. Gold --
 7 A. Goldstein.
 8 Q. Okay.
 9 A. Spelled just like it sounds.
 10 Q. Okay. Brenda Clancy you've mentioned before. She
 11 still is your boss?
 12 A. Yes.
 13 Q. Okay. Chris Garrett?
 14 A. Yes.
 15 Q. Was who's boss?
 16 A. He was Kelly's boss.
 17 Q. Okay. Could you give me the last name?
 18 A. Kelly Adams.
 19 Q. Okay. Kelly Adams reported to Chris Garrett?
 20 A. Garrett.
 21 Q. Garrett. Thank you. And who is he?
 22 A. He is a -- well, at that time he was the head of
 23 actuarial and financial for our business unit as well as
 24 other business units.
 25 Q. Okay. And David Goldstein, who is he?

1 in Exhibit 3?
 2 MR. LEVENTHAL: Objection to the form of
 3 the question. You can answer.
 4 A. No. They -- we -- Kelly and Mark and I approved it,
 5 and we sought their approval.
 6 Q. Okay. And did they approve?
 7 A. Yes.
 8 Q. Okay. So those three individuals; Brenda Clancy,
 9 Chris Garrett and David Goldstein, approved this change?
 10 A. They agreed with our decision to make this
 11 correction.
 12 Q. Okay. So the decision was yours, but you had to get
 13 approval for the decision?
 14 A. I mean, it was just, I guess, normal protocol.
 15 Q. I don't work in the corporate world. I don't know
 16 how it works.
 17 But you're telling me that you -- could you have made
 18 this decision without Brenda or Chris or David approving
 19 it?
 20 A. I just wouldn't have.
 21 Q. Okay.
 22 A. I would have sought their approval.
 23 Q. Okay. All right. You mentioned that in order to
 24 correct what you called an error, you put together a
 25 project team and you also had a change in procedures.

Page 103

Page 105

1 A. He's a lawyer. I mean, general counsel. Mark's
 2 boss.
 3 Q. Okay. He's general counsel of?
 4 A. Well, I mean he's general counsel of our -- our
 5 operating area, operating -- our -- you know, he's the
 6 general counsel for the operational unit that I work in.
 7 Q. Okay. So is he general counsel for all the companies
 8 that you manage, the book of business that you manage?
 9 A. He is -- I mean, he's Mark's boss. I mean, he's
 10 Mark's boss. I mean, I don't know. He's Mark's boss.
 11 Q. He's the general counsel. Okay.
 12 A. I mean, there's other general counsels, but he's the
 13 general counsel for our operating unit.
 14 Q. Okay.
 15 A. I just know him as Mark's boss.
 16 Q. Now, did that go -- did that go somewhere up the
 17 chain of command to get approval ultimately?
 18 A. From them?
 19 Q. Yes.
 20 A. No.
 21 Q. Okay. So those three individuals; Brenda Clancy?
 22 A. Clancy.
 23 Q. I can't read my own handwriting. Brenda Clancy,
 24 Chris Garrett and David Goldstein were the persons
 25 responsible for making the decision to approve your change

1 What other procedural changes -- what procedural changes
 2 did you make?
 3 A. Well, we were correcting the procedures of what we
 4 were requesting as documents, because as -- when Steve
 5 started to talk to claims, he found that they were paying
 6 in excess of actual charges and brought it to our
 7 attention.
 8 Q. Okay. Did he tell you how long they had been doing
 9 that?
 10 A. Well, he was -- he was -- he had just taken over the
 11 rate increases. So he was doing his job and he was trying
 12 to understand and, you know, better try to prevent rate
 13 increases for the insureds. And so he was trying to
 14 understand, you know, the rate increase -- I mean, the
 15 process.
 16 Q. Were these -- was Life Investors' cancer product, was
 17 that a closed book of business?
 18 A. No.
 19 Q. Okay. And when you talk about -- did he mention or
 20 has anybody ever mentioned to you how long this error was
 21 going on? How long y'all have been, in your words, paying
 22 in excess of the actual charges?
 23 A. I guess we've been doing it all along. But no one in
 24 management was aware until Steve investigated it and found
 25 out that they were paying in excess. I mean, I think

Page 102 - Page 105

Page 106

1 years ago there probably wasn't a difference between those
 2 list prices and actual prices.
 3 Q. List prices and actual prices for?
 4 A. Actual -- the actual amount of loss incurred, the
 5 amount the doctor accepts for payment in full.
 6 Q. Okay. Well, let me ask you. When you -- well, are
 7 you aware that Mr. Gooch has been submitting claims for --
 8 well, how long has Mr. Gooch been submitting claims on
 9 this cancer policy, do you know?
 10 A. I'm generally familiar with Mr. Gooch's claim. I
 11 think seven or eight years.
 12 Q. Okay. So, in your words, there's been an error
 13 committed on his claim for eight years, or seven or eight
 14 years?
 15 A. Yes.
 16 Q. Okay. So he's been overpaid, in your opinion?
 17 A. Yes.
 18 Q. Has anybody instituted any legal action against
 19 policyholders who have this cancer policy to recover the
 20 overpayment?
 21 A. We were not seeking overpayments we made on our
 22 error.
 23 Q. Okay. Was that your decision, too?
 24 A. Yes.
 25 Q. Okay.

Page 107

1 MR. LEVENTHAL: Before we go on, just so
 2 we're clear here, because you said something in the
 3 beginning of deposition about starting with the letter and
 4 moving to the 30(b)(6). You're in the first area of the
 5 30(b)(6) notice; is that correct?
 6 MR. SINCLAIR: No, I haven't asked her
 7 what the company's position -- I'm talking about her, only
 8 her. The first area is claims handling procedures by Life
 9 Investors or any other entity, I think is the way it
 10 reads. But I -- we'll get to that. Her individual
 11 knowledge is what I'm talking about now. She's not --
 12 MR. LEVENTHAL: Individual knowledge.
 13 Well, I'm not sure what you mean by that. I assume that
 14 we're going over the change in the claims procedure.
 15 She's speaking on behalf of the company with respect to
 16 this memo describing the change. So we're not going to go
 17 over the same thing again, are we?
 18 MR. SINCLAIR: Well, that's what I
 19 pointed out. I don't have any way of knowing when she's
 20 talking about her personal knowledge, or when she's
 21 talking about on behalf of the company.
 22 MR. LEVENTHAL: Well, when we started
 23 with this memo she's talking on behalf of the company.
 24 There's nothing she's going to say differently on behalf
 25 of the company. And this is subsumed within the first

Page 108

1 subject matter of the 30(b)(6). I just want to make sure
 2 that you are not going to be going over the same exact
 3 thing again.
 4 MR. SINCLAIR: Well, that was my proposed
 5 solution and nobody took it, was to simply say, okay,
 6 everything she says here is on behalf of the company.
 7 MR. LEVENTHAL: That's not the case.
 8 MR. SINCLAIR: Well, okay. Then --
 9 MR. LEVENTHAL: Starting with this memo,
 10 I mean, you asked a whole -- for two hours you asked
 11 questions about subject matters that are neither her
 12 letter nor the 30(b)(6) subjects. So obviously that's not
 13 going to be a 30(b)(6). Starting with this memo,
 14 certainly her testimony now that she's giving is 30(b)(6)
 15 testimony.
 16 MR. SINCLAIR: Well, I disagree with your
 17 perception of the first two hours. She's made a
 18 recommendation about how to administer policies. So we
 19 covered her background and her skills and her
 20 understanding of policies, so we would know how she made
 21 this decision. That was the first two hours.
 22 MR. LEVENTHAL: That's fine.
 23 MR. SINCLAIR: Your recommendation is
 24 that we now, in the middle of talking about her
 25 individual, switch to the 30(b)(6). That's fine if she's

Page 109

1 going to talk nothing but on behalf of the company from
 2 here on out. I can do that, too. But, I mean, do you
 3 want her talking on behalf of the company for the rest of
 4 the deposition?
 5 MR. LEVENTHAL: If you're going to cover
 6 the 30(b)(6) subjects, like you are right now, yes. I
 7 mean, this is certainly within the claims procedures since
 8 1997 to the future. It's the claim procedures before and
 9 the change. That's the whole purpose of subject area
 10 number 1. So, yeah.
 11 MR. SINCLAIR: Okay. Well, in that case
 12 we'll go ahead and mark it as Exhibit 7.
 13 (Deposition Exhibit 7 was marked.)
 14 MR. SINCLAIR: Let me do this. Let me go
 15 ahead and provide Exhibit 7. I'll come back to 6. Okay.
 16 Q. (BY MR. SINCLAIR) This is Exhibit 7. Have you seen
 17 that before today?
 18 A. What was the question?
 19 Q. Have you seen Exhibit 7 before today?
 20 A. Yes, it was shown to me by counsel.
 21 Q. Okay. Is it your understanding that you are
 22 designated to speak on behalf of Life Investors Insurance
 23 Company as to the topics set forth, subject to the
 24 objections which we received last night?
 25 A. Yes, I understand that.

Page 110	Page 112
<p>1 Q. Okay.</p> <p>2 MR. SINCLAIR: And I'll go ahead, and</p> <p>3 just so we're clear what topics we're talking about, so</p> <p>4 there's no disagreement. Since we received some</p> <p>5 objections last night, I'm going to mark as Exhibit 8 the</p> <p>6 handwritten notes.</p> <p>7 (Deposition Exhibit 8 was marked.)</p> <p>8 Q. (BY MR. SINCLAIR) Have you seen that before?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 MR. SINCLAIR: So let me go back, if I</p> <p>12 can, now to Exhibit 6.</p> <p>13 (Deposition Exhibit 6 was marked.)</p> <p>14 Q. (BY MR. SINCLAIR) Let me show you Exhibit 6. Have</p> <p>15 you seen Exhibit 6 before?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Is this the notice you were talking about</p> <p>18 providing to your insureds?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Now, back to the procedures change that you</p> <p>21 recommended, you indicated that you were going to request</p> <p>22 different documents, I think is the way you put it; is</p> <p>23 that right?</p> <p>24 A. I don't remember exactly what I said.</p> <p>25 Q. Okay. What procedural changes did you make?</p>	<p>1 A. Yes, it is.</p> <p>2 Q. Okay. Vice president, chief operating officer. Are</p> <p>3 you the chief operating officer for Life Investors</p> <p>4 Insurance Company of America?</p> <p>5 A. No, it's a working title. It's a working title.</p> <p>6 It's not -- my official title is unit vice president or</p> <p>7 vice president at this time.</p> <p>8 Q. Unit vice president. What unit?</p> <p>9 A. I was the vice president at this time for Life</p> <p>10 Investors.</p> <p>11 Q. Okay. But whose employee or who was your employer</p> <p>12 when you signed this letter, Exhibit 6?</p> <p>13 A. TransAmerica Life Insurance Company.</p> <p>14 Q. Okay. Did you also sign a similar letter for the</p> <p>15 TransAmerica cancer policies?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And did this letter here in Exhibit 6, is this</p> <p>18 a letter that went out to all of the insureds?</p> <p>19 A. All of the cancer or other products that have --</p> <p>20 that were involved in the project.</p> <p>21 Q. There were --</p> <p>22 A. Other type, like heart or intensive care.</p> <p>23 Q. Okay. So maybe I missed this connection. When you</p> <p>24 authored Exhibit 3, which is your memo, were you talking</p> <p>25 about just cancer products, or were you talking about any</p>
Page 111	Page 113
<p>1 A. We were correcting the claims package and the</p> <p>2 documents that we requested for claims and the process</p> <p>3 that we -- and the process and how they were -- how they</p> <p>4 were used.</p> <p>5 Q. Okay. Did you notify any insurance departments or</p> <p>6 any state or insurance commissioners of any state of this</p> <p>7 procedural change?</p> <p>8 MR. LEVENTHAL: Object to the form. You</p> <p>9 can answer if you can.</p> <p>10 A. I did not.</p> <p>11 Q. Are you aware of anybody doing that?</p> <p>12 A. I'm trying to remember. I think it was discussed,</p> <p>13 but I don't -- I don't know for sure.</p> <p>14 Q. Do you recall who you discussed it with?</p> <p>15 A. With the project team.</p> <p>16 Q. Okay. And there was a decision made not to do that,</p> <p>17 or you don't recall?</p> <p>18 A. I don't recall.</p> <p>19 Q. Okay. Are you aware of anybody actually making</p> <p>20 contact with the various insurance departments of the</p> <p>21 states to inform them of this change?</p> <p>22 A. I'm not aware specifically.</p> <p>23 Q. Okay. All right. Now, looking at Exhibit 6, you</p> <p>24 actually signed -- is that your signature on Exhibit 6,</p> <p>25 page 2?</p>	<p>1 product that had the term, quote, "actual charges," end</p> <p>2 quote, in it?</p> <p>3 A. You know, part of the project team's assignment was</p> <p>4 to look at products affected.</p> <p>5 Q. Okay. So is your memo directed to products other</p> <p>6 than the cancer policy, Mr. Gooch's cancer policy?</p> <p>7 A. The memo is directed to look at what other -- if</p> <p>8 there were -- what other products were affected.</p> <p>9 Q. Okay. So the affected products that were affected by</p> <p>10 this memo include what products?</p> <p>11 A. Cancer and any others, any other products that we</p> <p>12 were overpaying.</p> <p>13 Q. What other products were you overpaying?</p> <p>14 A. I don't remember all the specific products, but that</p> <p>15 -- you know, other than I know -- well, I'm pretty sure</p> <p>16 that the heart policy and possibly the intensive care</p> <p>17 policy had similar, you know, errors being made.</p> <p>18 Q. Okay. Did you do a different letter? Take a look at</p> <p>19 Exhibit 6 now. Did you do a different letter in the text</p> <p>20 for TransAmerica cancer policies, or was this --</p> <p>21 A. No, the text was generally the same.</p> <p>22 Q. Okay. I mean, this was just -- this was a form</p> <p>23 letter?</p> <p>24 A. I'm sorry.</p> <p>25 Q. You were pointing to the letterhead. That would have</p>

Page 114

Page 116

1 I changed up there at the top?
 2 A. Yes.
 3 Q. Of Exhibit 6?
 4 A. Yes.
 5 Q. Anything else that would have changed?
 6 A. I don't remember specifically. I don't think so.
 7 Q. Okay. Did you sign -- well, first off. Obviously,
 8 you didn't sign -- how many letters did you send out?
 9 A. Tens of thousands. I don't know the exact number
 10 right now. I don't remember the exact number.
 11 Q. Okay. Are we -- well, let me ask you. Did you send
 12 out this letter across Life Investors products,
 13 TransAmerica products, cancer policies specifically?
 14 A. Yes.
 15 Q. Okay.
 16 A. With the different names.
 17 Q. Yeah, obviously it's going to be addressed to the
 18 individual insured.
 19 How many insureds received this or some form of this
 20 letter?
 21 A. I don't know the specific number.
 22 Q. Tens of thousands?
 23 A. Thousands. I don't know the specific number.
 24 Q. Okay. Let me ask you. How many cancer policies are
 25 currently issued under Life Investors' name?

1 point and then there's TransAmerica.
 2 Q. Okay. So if you wanted to know, you would go to that
 3 -- how many of these letters were sent out to
 4 policyholders, you would go to that computer system?
 5 A. Well, I wouldn't go to the computer system. I'd
 6 probably go to someone in IT and ask them to run the
 7 account.
 8 Q. Okay. And have you done that before today?
 9 A. I mean, I've done it before, but not recently that I
 10 remember the numbers.
 11 Q. Let me back up and ask you. As part of this project
 12 team that resulted from your July 22, 2005 memo, was that
 13 part of their project to look at how many policies were
 14 existing that would be affected by this change?
 15 A. Yes.
 16 Q. And did they report to you on how many policies would
 17 be affected by this change?
 18 A. Not specifically when they were working the project.
 19 Q. Okay. Did you look at how many policies would be
 20 affected by this change before your July 22, 2005 memo?
 21 A. I may have. I don't remember. I don't recall.
 22 Q. Would that have been something that underwriting
 23 input would have come from?
 24 A. I'm sorry.
 25 MR. LEVENTHAL: Objection.

Page 115

Page 117

1 A. I don't know the specific number.
 2 Q. Do you know how you'd find out?
 3 A. Yeah, I know how I would find out.
 4 Q. How would you find out?
 5 A. I mean, I would have the information at the office in
 6 a record or something, but I don't -- or I could ask
 7 someone, but I don't know what it is off the top of my
 8 head.
 9 Q. And you've got to remember, I don't understand
 10 corporate structure. So I had thought that you would go
 11 to different offices and look at different records for
 12 different insurance entities. But all the records are in
 13 one place?
 14 MR. LEVENTHAL: Objection to the form.
 15 You can answer.
 16 A. I mean, they're on a computer system.
 17 Q. Oh, okay. So information on Life Investors and
 18 TransAmerica cancer policies are all on the same computer
 19 system?
 20 A. They're on the same computer system, but separated by
 21 statutory company.
 22 Q. I see.
 23 A. They're like, you know, here's Life Investors and
 24 it's all -- it's -- it does Life Investors, and then
 25 there's another, you know, kind of -- there's a break

1 Q. The underwriter, you said you had -- I'm sorry. I
 2 said that wrong. Steve Gwin is the actuary responsible
 3 for rate increases; is that right?
 4 A. Yes.
 5 Q. Okay. Would that have been information he provided
 6 to you as to how many policies would be affected by this
 7 change?
 8 A. Yes.
 9 Q. Okay. Now, in your Exhibit 6.
 10 A. Uh-huh.
 11 Q. In your May 1, 2006 letter -- well, first off let me
 12 ask you. May 1, 2006, was that a date that you selected
 13 for this letter to go out?
 14 A. I didn't specifically select it. It was when all the
 15 project work was ready to mail letters.
 16 Q. Okay. Well, let me ask you. Did you sign letters --
 17 these -- I want to make sure that this is a uniform
 18 change. This is across -- this change in processing --
 19 A. Correction.
 20 Q. -- correction in processing on these cancer policies,
 21 did this occur all in 2006?
 22 A. Yes.
 23 Q. For Life Investors?
 24 A. Yes.
 25 Q. And TransAmerica?

Page 118

Page 120

1 A. In 2006.
 2 Q. All occurred in 2006?
 3 A. Yes.
 4 Q. Okay. All right. Let's take a look at Exhibit 6
 5 then.
 6 A. Uh-huh.
 7 Q. Because I'm trying to -- we started off on Exhibit 3
 8 talking about necessary information. And I'm trying to
 9 determine what you consider to be necessary information.
 10 Exhibit 6.
 11 A. Okay.
 12 Q. What information are you going to, as reflected in
 13 Exhibit 6, now require for claims that you weren't
 14 previously requiring?
 15 A. We are asking for -- let me see. Do you want me just
 16 to read from the letter?
 17 Q. If there's a particular paragraph -- well, yes. Go
 18 right ahead, read from the letter?
 19 A. This says, When submitting a claim for these types of
 20 benefits, it is important to submit the appropriate
 21 information and documentation showing the actual charges
 22 being paid to and accepted as payment by the health care
 23 provider. This information is your proof of loss.
 24 Submitting the correct proof of loss will help you -- will
 25 help assure that the company has the necessary information

1 the doctor or medical provider is accepting for payment in
 2 full.
 3 Q. Okay. All right. And that information is found in
 4 what?
 5 A. I mean, it's found in several forms. I mean, it's
 6 not -- they could provide explanation of benefits. They
 7 could provide a doctor's bill that shows the amount that
 8 they're accepting for payment in full. They could provide
 9 Medicare EOBs. There are more than one type.
 10 Q. Okay.
 11 A. Because that's the amount that the doctor, the
 12 medical provider is accepting as payment in full.
 13 MR. SINCLAIR: Let me go ahead and mark
 14 as Exhibit 9 a document I'm going to hand you, and ask you
 15 to take a look at, if you would.
 16 (Deposition Exhibit 9 was marked.)
 17 Q. (BY MR. SINCLAIR) Now, this is -- or tell me what
 18 this is, if you would, the first page of Exhibit 9?
 19 A. This is the Life Investors explanation of payments
 20 for explanation of benefits for Mr. Gooch.
 21 Q. Okay. Do you see that there's an entry there for
 22 chemotherapy on the first page for \$2,351?
 23 A. I see that.
 24 Q. And the benefits payable is registering at 0 with a
 25 remark code of S3. Do you see that?

Page 119

Page 121

1 to pay the benefits provided under your policy.
 2 So in that -- in this advanced notice that we gave to
 3 the customers, we were letting them know that we were
 4 going to need them to provide specific documents to show
 5 proof of loss for the actual charges the doctors were
 6 accepting for payment in full.
 7 So we go on to tell them, you know, we -- you know,
 8 they get different types of documents, and they get their
 9 informational statements that show the list prices, and
 10 then they also receive explanation of benefits and other
 11 documents from their group health or their doctors that
 12 would then reflect the amount the doctor has accepted as
 13 payment in full. And that was what we're asking them to
 14 submit.
 15 Q. Okay. So now you require -- so now you require
 16 explanation of benefit forms from health care or medical
 17 insurance providers?
 18 A. Well, we were -- I'm sorry. I don't understand.
 19 Q. Yeah. I'm trying to understand, when you talk about
 20 in your memo that the necessary information to pay claims
 21 accurately. That's the Exhibit 3.
 22 A. Uh-huh.
 23 Q. What specific forms are you now requiring that you
 24 didn't previously require?
 25 A. We need the information that shows the amount that

1 A. Yes.
 2 Q. Okay. And down at the bottom of that Exhibit 9,
 3 first page, it says -- remark code S3 is defined there.
 4 Do you see that?
 5 A. Uh-huh.
 6 Q. Is this what you're referring to when you say that
 7 there's additional documents you require? Is this
 8 particular type remark code provided in order to explain
 9 what additional documents are needed?
 10 A. This is a remark code that reflects that they have
 11 not submitted the actual proof of loss documents that are
 12 needed.
 13 Q. After the change?
 14 A. The correction.
 15 Q. After the correction?
 16 A. I mean, we were paying -- we were paying in excess
 17 and we can't do that. Once we figured it -- once we found
 18 it, we -- we can't continue to pay people wrong.
 19 Q. Okay. So before the change -- before the change you
 20 didn't need additional information like, quote, "A summary
 21 notice from Medicare or Medicaid or an explanation of
 22 benefits from your other insurance," end quote?
 23 A. I'm sorry. Ask me again?
 24 Q. Sure. In order to pay the claim before the change,
 25 as reflected in Exhibit 3.

Page 122

1 A. Uh-huh.
 2 Q. Before that change, you didn't need explanation of
 3 benefits from other insurance companies in order to pay
 4 claims, did you?
 5 MR. LEVENTHAL: Objection to the form of
 6 the question. You can answer.
 7 A. Before we corrected the procedures, we didn't know
 8 that we were not receiving the actual charges. The reason
 9 we changed it is because we found we were paying in excess
 10 of actual charges, and we needed to correct the procedures
 11 that the examiners were using.
 12 Q. Okay. So now the new documents for the, quote,
 13 "necessary information," end quote, reading from your
 14 memo, now is defined as including EOBs from other
 15 insurance companies?
 16 A. That is one type.
 17 Q. Okay. Well, it could be a summary notice from
 18 Medicare or Medicaid as well?
 19 A. Yes.
 20 Q. Okay. It could be a statement from your provider
 21 showing payments and/or adjustments for each treatment,
 22 correct?
 23 A. The amount that the provider is accepting for payment
 24 in full.
 25 Q. Okay. Well, let me ask you. Are you now requiring

Page 123

1 for all the insureds that they provide this additional
 2 information?
 3 A. Yes.
 4 Q. So you're not treating Mr. Gooch any differently?
 5 A. No.
 6 Q. Okay. Everybody who has a Life Investors cancer
 7 policy is --
 8 A. Everyone has to show proof of loss.
 9 Q. And that proof of loss now includes these additional
 10 documents we've just defined?
 11 A. It is -- I mean, everyone has to show proof of loss.
 12 Q. Okay.
 13 A. And there's -- I mean, everyone has to show proof of
 14 loss.
 15 Q. Mr. Gooch isn't being treated any differently in what
 16 he's required to submit for proof of loss, is he?
 17 A. No.
 18 Q. Okay. Let me ask you, do you even process a claim
 19 without having this additional proof of loss documents
 20 that you're talking about?
 21 MR. LEVENTHAL: Objection to the form.
 22 You can answer.
 23 MR. SINCLAIR: Sure. I'll rephrase.
 24 Q. (BY MR. SINCLAIR) Do you even begin the process of
 25 processing the claim internally until you receive this

Page 124

1 additional information?
 2 MR. LEVENTHAL: Objection. Go ahead.
 3 A. I mean, we begin the process. We put it in the
 4 system and we send back this -- this requesting the
 5 correct proof of loss documents.
 6 Q. Okay. And you do that for everybody?
 7 A. Uh-huh. Yes.
 8 Q. Now -- well, let me ask you. Mr. Gooch's case for
 9 example, he has other insurance companies, correct?
 10 A. Yes.
 11 Q. Okay. And he has, for example, Blue Cross Blue
 12 Shield coverage, right?
 13 A. Yes.
 14 Q. Okay. So Mr. Gooch's claim on this cancer policy
 15 wouldn't be paid until he provided the Blue Cross
 16 explanation of benefits?
 17 A. It wouldn't have to -- I mean, he could provide the
 18 doctor's statement showing what the doctor accepted as
 19 payment in full.
 20 Q. From?
 21 A. From the medical provider. I mean, if he couldn't
 22 get the explanation of benefits, he has other ways of
 23 showing that -- of showing that -- what amount was actual
 24 true loss incurred and provide this -- the doctor's -- I
 25 mean, if the doctor shows how much he accepted, I mean, it

Page 125

1 I wouldn't make sense to pay more than what the doctor got
 2 paid. So he could show what the doctor received and
 3 accepted as payment in full.
 4 Q. Okay. So if, for example, Mr. Gooch didn't have any
 5 other insurance, you wouldn't process his claim?
 6 MR. LEVENTHAL: Objection to form. Go
 7 ahead.
 8 A. I don't understand the question.
 9 Q. Sure. I mean, you've indicated that the necessary
 10 information to now pay a claim includes summary notices
 11 from Medicare or Medicaid, EOBs from other insurance
 12 companies, or a statement from your provider showing the
 13 payments and/or adjustments, right? That's the necessary
 14 information now that we've got this change in place?
 15 A. And he would just provide -- he would just provide
 16 the doctor's statement showing how much the doctor
 17 accepted as payment in full and we pay that, whatever that
 18 amount is.
 19 Q. So if he didn't have any other insurance you'd take
 20 the doctor's statement?
 21 A. We would take whatever the doctor accepted as payment
 22 in full.
 23 Q. So he would have to pay his doctor's bill before you
 24 would pay a claim?
 25 A. No. The doctor would show how much he is requiring

<p style="text-align: right;">Page 126</p> <p>1 him to pay.</p> <p>2 Q. What about --</p> <p>3 A. Whatever his loss is. If his loss or his actual</p> <p>4 amount that is due, he has a liability to a doctor. And</p> <p>5 whatever that amount is, is what we would pay.</p> <p>6 Q. What if the doctor out of the goodness of his heart</p> <p>7 wrote off one of the chemotherapy treatments, and just</p> <p>8 said, Mr. Gooch, I'm going to let you have this one for</p> <p>9 free. Would you pay that claim?</p> <p>10 A. He didn't have a loss at that point. He had no</p> <p>11 liability.</p> <p>12 Q. So for insureds policyholders, cancer policyholders,</p> <p>13 who don't have any insurance or any ability to pay their</p> <p>14 medical bills, are you paying anything on their claims</p> <p>15 now?</p> <p>16 A. Whatever the doctors are showing that they expect for</p> <p>17 payment.</p> <p>18 Q. Okay.</p> <p>19 A. In full.</p> <p>20 Q. Let me move on if I can then back to your memo. I</p> <p>21 think -- have I asked you or have you provided me all of</p> <p>22 the information for -- let me rephrase this. I was trying</p> <p>23 to ask you what is now considered necessary information.</p> <p>24 Have you told me what you now consider to be necessary</p> <p>25 information to pay a claim?</p>	<p style="text-align: right;">Page 128</p> <p>1 on in the first sentence there to, Life Investors</p> <p>2 Insurance Company of America and TransAmerica Life</p> <p>3 Insurance Company.</p> <p>4 A. Uh-huh.</p> <p>5 Q. And then you put in parens, or predecessor companies.</p> <p>6 Are there other books of business that are affected by</p> <p>7 this other than TransAmerica and Life Investors?</p> <p>8 A. Both of those companies have had other companies that</p> <p>9 have been merged into them. And that is a reference of</p> <p>10 what we internally always say, policy may have been</p> <p>11 previously issued on a different insurance company name,</p> <p>12 and it includes any policies that were on those other</p> <p>13 companies' names that are now Life Investors and</p> <p>14 TransAmerica.</p> <p>15 (A recess was had.)</p> <p>16 Q. (BY MR. SINCLAIR) Let me ask you, do you know who</p> <p>17 drafted this policy, Mr. Gooch's policy?</p> <p>18 A. No, not specifically I don't.</p> <p>19 Q. Do you know generally who drafted it?</p> <p>20 A. No. I don't know the personnel that were there when</p> <p>21 this was drafted.</p> <p>22 Q. Do you know who's responsible for drafting the</p> <p>23 policies?</p> <p>24 A. I don't know who does them today. That person</p> <p>25 reports to me.</p>
<p style="text-align: right;">Page 127</p> <p>1 MR. LEVENTHAL: Objection to the form of</p> <p>2 the question.</p> <p>3 Q. You're not sure?</p> <p>4 A. I don't --</p> <p>5 Q. We --</p> <p>6 A. We have skipped around so much.</p> <p>7 Q. And I'm sorry. If we look at Exhibit 3. We started</p> <p>8 out with that first sentence saying, We are collecting the</p> <p>9 necessary information to pay claims. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Have you told me what is now considered to be the</p> <p>12 additional necessary information, beyond that which is</p> <p>13 exhibited in Exhibit 5? Does that make anymore sense?</p> <p>14 MR. LEVENTHAL: Objection. Go ahead.</p> <p>15 A. Let me see here. We require a claim form. We</p> <p>16 require attending physician statement. We require a</p> <p>17 pathology report. We require a proof of loss. We have</p> <p>18 several fraud and HIPPA statements, things like that. I</p> <p>19 believe they were all in a package. I'd have to look at</p> <p>20 the old package and the new package to see if there's</p> <p>21 anything in there. We update claims packages all the</p> <p>22 time, because the laws change and we have to require</p> <p>23 additional authorities and fraud information and things</p> <p>24 like that because of HIPPA.</p> <p>25 Q. Okay. Let's go back to your memo now. You continue</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. I'm sorry. You have oversight for drafting policies?</p> <p>2 A. Product implementation.</p> <p>3 Q. Who is that?</p> <p>4 A. Doug Simino.</p> <p>5 Q. Doug Simino. So Mr. Simino is the assistant vice</p> <p>6 president for product implementation and document</p> <p>7 management, right?</p> <p>8 A. Right.</p> <p>9 Q. And he reports directly to you?</p> <p>10 A. Yes, he does.</p> <p>11 Q. And he's responsible for the drafting of policies?</p> <p>12 A. His team is responsible for drafting and filing the</p> <p>13 policies.</p> <p>14 Q. Okay. Let me ask you this. Do you understand you've</p> <p>15 been designated to -- and I'm going to try to read the</p> <p>16 handwriting on Exhibit 8 here -- you've been designated to</p> <p>17 testify on behalf of Life Investors Insurance Company as</p> <p>18 to the drafting of this original policy, and identity of</p> <p>19 people involved in drafting; is that correct?</p> <p>20 A. Uh-huh, yes.</p> <p>21 Q. Okay. What did you do to educate yourself as to --</p> <p>22 or inform yourself, I should say, as to who was</p> <p>23 responsible or who drafted the original policy?</p> <p>24 A. I talked to a person, the oldest person at the</p> <p>25 company, to see if he knew who drafted the policy.</p>

Page 130	Page 132
<p>1 Q. I don't think you mean to say oldest person.</p> <p>2 A. Longest tenure. Sorry. Somebody that might have</p> <p>3 been involved in the process.</p> <p>4 Q. And who was that?</p> <p>5 A. Dave Callen.</p> <p>6 Q. And what does Mr. Callen do?</p> <p>7 A. He currently works in the legal department.</p> <p>8 Q. Is he a lawyer?</p> <p>9 A. No.</p> <p>10 Q. What does he do?</p> <p>11 A. He helps research. He reviews policy forms. Just</p> <p>12 different -- just different types of review and research</p> <p>13 and things like that. I don't really know specifically.</p> <p>14 Q. Do you know what his title is?</p> <p>15 A. No.</p> <p>16 Q. But you went to speak with Mr. Callen?</p> <p>17 A. With counsel.</p> <p>18 Q. With counsel?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Did you go out and try to get some documents</p> <p>21 to answer that question of who drafted the policy?</p> <p>22 A. No, not other than speaking to him.</p> <p>23 Q. Did you look into any old versions of this policy?</p> <p>24 A. No.</p> <p>25 Q. Did you look at any changes that may have been made</p>	<p>1 I was aware of who it would have been?</p> <p>2 A. No, I didn't say that.</p> <p>3 Q. Is there anybody who might be aware of who it would</p> <p>4 be that had a hand in drafting this policy?</p> <p>5 A. No. He was unaware of anyone that would know.</p> <p>6 Q. Is there anybody else you could ask, or anything that</p> <p>7 you could request that would identify the people involved</p> <p>8 in drafting this policy?</p> <p>9 A. Mr. Callen would have been the most knowledgeable.</p> <p>10 That's why I talked to him.</p> <p>11 Q. Is there a database of --</p> <p>12 A. Not at that time there wasn't.</p> <p>13 Q. There wasn't?</p> <p>14 A. No.</p> <p>15 Q. What time period are we talking about when this</p> <p>16 policy was drafted?</p> <p>17 MR. LEVENTHAL: Objection to the form.</p> <p>18 Go ahead.</p> <p>19 A. I don't know the specific year when this was filed,</p> <p>20 this particular policy was filed. I don't know the</p> <p>21 specific year.</p> <p>22 Q. When was it that you went electronic? How far back</p> <p>23 can you reach on the database?</p> <p>24 MR. LEVENTHAL: Objection to the form.</p> <p>25 Go ahead.</p>
Page 131	Page 133
<p>1 to this policy?</p> <p>2 A. No.</p> <p>3 Q. Can you identify any of the people involved in</p> <p>4 drafting this policy?</p> <p>5 MR. LEVENTHAL: Objection to the form.</p> <p>6 Go ahead.</p> <p>7 A. No.</p> <p>8 Q. Is there somebody who would be better suited to ask</p> <p>9 that question of, anybody besides Mr. Callen?</p> <p>10 A. No.</p> <p>11 Q. There's nobody else that you're aware of that would</p> <p>12 know who was involved in drafting the policy?</p> <p>13 A. There's no one else aware.</p> <p>14 Q. Okay. Mr. Callen told you that he didn't have any</p> <p>15 information on that?</p> <p>16 A. He didn't remember specifically who drafted it. And</p> <p>17 whoever it would have been was no longer with the company.</p> <p>18 He didn't -- he didn't remember specifically. He was in a</p> <p>19 role where he was responsible for reviewing of the</p> <p>20 policies and things like that at the time.</p> <p>21 Q. Who was that person that's no longer with the</p> <p>22 company?</p> <p>23 A. He doesn't remember who it was.</p> <p>24 Q. Oh. I thought you indicated to me that Mr. Callen</p> <p>25 had told you that maybe somebody, his predecessor perhaps</p>	<p>1 A. I don't know the specific year. It would have been</p> <p>2 in the last few years.</p> <p>3 Q. Okay. Let's move on to area number 3. Are you the</p> <p>4 person most conversant with the meaning of the policy</p> <p>5 terms?</p> <p>6 A. I am very familiar with the policy terms. I've</p> <p>7 worked with these types of products for 20 years.</p> <p>8 Q. Have you worked on this particular policy for 20</p> <p>9 years?</p> <p>10 A. Not this particular policy, but similar policies.</p> <p>11 Q. Cancer policies?</p> <p>12 A. All the way back to when I was in customer service, a</p> <p>13 cancer policy of a similar type.</p> <p>14 Q. Okay. Have you told me all -- I've been asking you</p> <p>15 questions about who was involved in the change or the</p> <p>16 process change. Do you remember those questions?</p> <p>17 A. Correction, yes.</p> <p>18 Q. Correction, as you say. Okay. I did mean to ask</p> <p>19 you. When you were talking about this correction, I think</p> <p>20 you indicated that you had overpaid, the company had</p> <p>21 overpaid?</p> <p>22 A. We were paying in excess of the actual charges.</p> <p>23 Q. Did somebody tell you how much you had overpaid?</p> <p>24 A. No.</p> <p>25 Q. Nobody had done that calculation?</p>

Page 134

1 A. No. There would be no way to figure that out.
 2 Q. You have to go back and get different proofs of loss,
 3 is that what you're saying?
 4 A. I wouldn't know how to do that.
 5 Q. Okay. Did somebody tell you how much you would you
 6 save from making this correction?
 7 A. No.
 8 Q. Nobody did that calculation?
 9 A. No. We were focused on trying to stop rate
 10 increasing our customers.
 11 Q. You said that before. I see what you're saying. One
 12 of the persons who pointed this, I think you called it an
 13 error, out was the person responsible for rate increases,
 14 right?
 15 A. Yes.
 16 Q. And he was saying, we're going to have to increase
 17 rates; is that what happened?
 18 A. Yes.
 19 Q. Let me ask you this. You've been designated to speak
 20 on behalf of Life Investors Insurance Company of America
 21 as to the consideration and approval of the manner in
 22 which benefits were paid, i.e., documentation required for
 23 proof of claim. Is that correct?
 24 A. That is correct.
 25 Q. Have you told me of all the corrections in the

Page 135

1 documentation requirements that have been undertaken by
 2 the company?
 3 MR. LEVENTHAL: Objection to the form. I
 4 hope so.
 5 A. Everything that I can think of. We've gone through
 6 this two times. I can't think of anything else.
 7 Q. Area of testimony number 5. You've been designated
 8 to speak on behalf of Life Investors Insurance Company of
 9 America as to the identity of the people involved
 10 concerning the consideration and approval of manner in
 11 which benefits were paid; i.e., documentation for proof of
 12 claim. Is it your understanding you've been designated to
 13 speak on behalf of the company on that topic?
 14 A. Yes.
 15 Q. Have you already told me of all of the persons
 16 involved in the consideration and approval of the manner
 17 in which benefits were paid, i.e., documentation required
 18 for proof of claim?
 19 A. What's the question?
 20 Q. Have you told me -- have you identified all of the
 21 people involved in this change?
 22 A. Everyone I can remember.
 23 Q. Okay.
 24 MR. SINCLAIR: Let's take a break.
 25 (A recess was had.)

Page 136

1 MR. SINCLAIR: I don't have anymore
 2 questions at this time. I want to thank you for coming
 3 out on a Saturday. I'm sorry we had to drag you out here
 4 for this.
 5 MR. LEVENTHAL: I may have some
 6 questions. I'm going to take a three minute break and
 7 we'll let you know.
 8 (A recess was had.)
 9 EXAMINATION
 10 BY MR. LEVENTHAL:
 11 Q. Back on the record. Ms. Whitlock, I have a couple of
 12 quick questions. Do you recall the letter that was marked
 13 as Exhibit 6? It was a letter to Mr. Gooch.
 14 A. Yes.
 15 Q. And that letter explained that the company made a
 16 change in its claim forms or correction in its claim
 17 forms, to make sure it received a more accurate proof of
 18 loss; is that correct?
 19 MR. SINCLAIR: Objection to the form.
 20 A. That is correct.
 21 Q. Did the changes in the letter reflect the change in
 22 the company's interpretation of the term, actual charges,
 23 in the policy?
 24 A. No.
 25 Q. Did the company ever change its interpretation of the

Page 137

1 term, actual charges, to the best of your knowledge, in
 2 the policy?
 3 A. No, we did not.
 4 Q. Did the company ever change the definition of, actual
 5 charges, in the policy?
 6 A. No, we did not.
 7 Q. In the policy what is the connection between a loss
 8 incurred language and the actual charges language?
 9 MR. SINCLAIR: Objection to the form.
 10 A. The loss incurred language is part of the overriding
 11 ensuring clause of the policy, that there must be a loss
 12 incurred for benefits to be payable.
 13 Q. Okay. I think you said that persons on the claims
 14 department who handled claims for Life Investors cancer
 15 insurance policies report to you?
 16 A. Yes, they do.
 17 Q. Are there any employees of Aegon USA, Inc. working on
 18 the claims for Life Investors cancer insurance policies?
 19 MR. SINCLAIR: Objection to the form.
 20 A. No, there is not.
 21 Q. Does Aegon USA, Inc. have any involvement with Life
 22 Investors cancer insurance policies?
 23 A. No, they don't.
 24 Q. I think earlier you mentioned that Aegon USA, Inc.
 25 had corporate employees, you believe they have corporate

Page 138

1 employees in Iowa and Maryland. Do you know for a fact
2 whether Aegon USA, Inc. has payrolled employees in Iowa or
3 Maryland.

4 MR. SINCLAIR: Objection to the form.

5 A. No, I don't know if their actual payroll is on -- is
6 under that.

7 Q. Do you know whether Aegon USA, Inc. has employees in
8 Iowa or Maryland?

9 A. No, I don't.

10 MR. LEVENTHAL: That's all. Thank you.

11 MR. SINCLAIR: Thank you very much for
12 coming out.

13 (WHEREUPON, the above-entitled deposition
14 was concluded at 11:45 a.m..)

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Page 139

1 C E R T I F I C A T E

2 STATE OF ARKANSAS)
3) ss.
4 COUNTY OF WHITE)

5 RE: ORAL DEPOSITION OF CONNIE WHITLOCK:

6 I, JEFF BENNETT, CCR, LS #19, a Notary Public in and
7 for White County, Arkansas do hereby certify that the
8 facts stated by me in the caption of the foregoing
9 deposition are true; and that the foregoing deposition
10 was transcribed by me, or under my supervision, on the
11 Computerized Transcription System from my machine
12 shorthand notes taken at the time and place set
13 out on the caption hereto, the witness being first duly
14 cautioned and sworn, or affirmed, to tell the truth, the
15 whole truth, and nothing but the truth.

16 I FURTHER CERTIFY that I am neither counsel for,
17 related to, nor employed by any of the parties to the
18 action in which this deposition was taken; and further,
19 that I am not a relative or employee of any attorney or
20 counsel employed by the parties hereto, nor financially
21 interested, or otherwise, in the outcome of this action.

22 GIVEN UNDER MY HAND AND SEAL OF OFFICE on this
23 25th day of July, 2007.

24 JEFF BENNETT, CCR, LS Certificate
25 #19, Notary Public in and for White
County, Arkansas
My commission expires 11-29-2010

<p>-#-</p> <p>#19 [3] 3:5 139:5,24</p> <p>-\$-</p> <p>\$2,351 [1] 120:22</p> <p>-'-</p> <p>'02 [1] 97:19</p> <p>'86 [4] 20:25 22:23 24:17 25:5</p> <p>'93 [1] 21:12</p> <p>'94 [10] 21:12 22:23 24:17 24:24 25:5,9,10,18,24 27:24</p> <p>'95 [1] 28:3</p> <p>'96 [2] 28:3,6</p> <p>'97 [4] 26:13 28:18,24 29:3</p> <p>'98 [4] 26:13 28:18,24 29:4</p> <p>-0-</p> <p>0 [1] 120:24</p> <p>-1-</p> <p>1 [7] 2:8 6:11,12 80:21 109:10 117:11,12</p> <p>10 [5] 5:13,15,17 9:10 65:14</p> <p>100 [2] 59:11 73:25</p> <p>1032 [2] 81:7,22</p> <p>1033 [3] 80:22 81:7,22</p> <p>109 [1] 2:14</p> <p>11-29-2010 [1] 139:25</p> <p>110 [2] 2:13,15</p> <p>11:45 [1] 138:14</p> <p>12 [1] 94:15</p> <p>120 [1] 2:16</p> <p>136 [1] 2:6</p> <p>139 [1] 2:18</p> <p>14 [1] 2803:12</p> <p>140 [1] 2:19</p> <p>14th [1] 3:4</p> <p>15 [2] 44:14 65:14</p> <p>17 [1] 69:23</p> <p>18 [1] 5:9</p> <p>1986 [3] 18:8 23:5,20</p> <p>1994 [10] 23:5,20 24:5,10 24:20,22 25:1,13,17 26:1</p> <p>1996 [1] 26:1</p> <p>1997 [3] 69:18,23 109:8</p> <p>1998 [1] 29:22</p> <p>1:07-0016 [1] 2803:6</p> <p>-2-</p> <p>2 [18] 2:9 69:11,12,16 70:20,24 73:9,10 74:6,14 75:14,21 76:3,5,8,16 77:9</p>	<p>111:25</p> <p>20 [2] 133:7,8</p> <p>2001 [1] 32:25</p> <p>2002 [1] 97:15</p> <p>2005 [4] 84:11 85:18 116:12,20</p> <p>2006 [5] 117:11,12,21 118:1,2</p> <p>2007 [2] 3:4 139:22</p> <p>2007 [1] 2803:12</p> <p>2100-A [1] 2803:17</p> <p>22 [4] 84:11 85:18 116:12 116:20</p> <p>22nd [2] 86:24 87:15</p> <p>25th [1] 139:22</p> <p>-3-</p> <p>3 [21] 2:3,4,10 81:23,24 83:7 84:12 86:12,16 88:6 88:16 94:2 96:20 97:2 104:1 112:24 118:7 119:21 121:25 127:7 133:3</p> <p>30 [15] 6:18 7:5,22 8:1,2,5 8:22 107:4,5 108:1,12,13 108:14,25 109:6</p> <p>35209 [1] 2803:18</p> <p>-4-</p> <p>4 [6] 2:5,11 94:19,20,24 95:20</p> <p>40 [1] 24:2</p> <p>450 [1] 2803:18</p> <p>474-1202 [1] 97:16</p> <p>-5-</p> <p>5 [13] 2:12 96:13,14,22 97:3,7,10,17,21 98:9,17 127:13 135:7</p> <p>500 [1] 2803:21</p> <p>5th [1] 70:23</p> <p>-6-</p> <p>6 [33] 2:8,13 6:18 7:5,22 8:1,2,5,22 107:4,5 108:1 108:12,13,14,25 109:6,15 110:12,13,14,15 111:23 111:24 112:12,17 113:19 114:3 117:9 118:4,10,13 136:13</p> <p>69 [1] 2:9</p> <p>-7-</p> <p>7 [6] 2:14 109:12,13,15,16 109:19</p> <p>72203-8063 [1] 2803:25</p> <p>777 [1] 2803:21</p> <p>-8-</p> <p>8 [4] 2:15 110:5,7 129:16</p>	<p>8063 [1] 2803:24</p> <p>81 [1] 2:10</p> <p>8:30 [1] 3:7</p> <p>-9-</p> <p>9 [5] 2:16 120:14,16,18 121:2</p> <p>925 [1] 3:6</p> <p>94 [1] 2:11</p> <p>96 [1] 2:12</p> <p>-A-</p> <p>a.m [2] 3:7 138:14</p> <p>ability [1] 126:13</p> <p>above-entitled [1] 138:13</p> <p>above-styled [1] 3:3</p> <p>accepted [7] 118:22 119:12 124:18,25 125:3 125:17,21</p> <p>accepting [5] 119:6 120:1,8,12 122:23</p> <p>accepts [1] 106:5</p> <p>accident [2] 44:6 51:11</p> <p>account [1] 116:7</p> <p>accountant [4] 27:15 28:4,10 38:18</p> <p>accounting [5] 26:21 27:1,16,25 28:2</p> <p>accurate [1] 136:17</p> <p>accurately [3] 93:19,21 119:21</p> <p>acronym [2] 71:13 81:5</p> <p>Act [1] 15:18</p> <p>action [4] 2803:6 106:18 139:17,20</p> <p>activities [1] 5:12</p> <p>actual [24] 33:9 77:1,4 99:7 105:6,22 106:2,3,4,4 113:1 118:21 119:5 121:11 122:8,10 124:23 126:3 133:22 136:22 137:1,4,8 138:5</p> <p>actuarial [1] 102:23</p> <p>actuary [7] 85:11 89:12 89:21 93:5,11,14 117:2</p> <p>AD&D [1] 45:2</p> <p>Adams [11] 85:5,15,22 85:22 87:6,20 90:2 100:25 101:1 102:18,19</p> <p>additional [14] 43:1,3 91:9,10 99:14 121:7,9,20 123:1,9,19 124:1 127:12 127:23</p> <p>address [1] 69:21</p> <p>addressed [1] 114:17</p> <p>adjustments [2] 122:21 125:13</p> <p>admin [1] 48:9</p> <p>administer [1] 108:18</p> <p>administered [1] 27:2</p> <p>administering [1] 43:24</p>	<p>administration [9] 12:12 13:2,24 14:22 16:19 29:19 43:14 45:9 46:6</p> <p>administrative [11] 12:16,21,24 13:3,17 16:16 16:20 17:4,14 53:5,13</p> <p>administrator [3] 12:13 12:15 13:1</p> <p>advanced [2] 99:13 119:2</p> <p>Aegon [32] 10:20 11:1,4 11:17 13:20,23,25 14:3 14:10,15,19 16:17,21 18:14,17,24 19:5,9,10,13 19:16,24 20:7,15 37:5,8 59:21 137:17,21,24 138:2 138:7</p> <p>affected [9] 113:4,8,9,9 116:14,17,20 117:6 128:6</p> <p>affidavits [1] 6:3</p> <p>affirmed [2] 3:11 139:13</p> <p>again [12] 9:15 12:20 32:15,19 36:1 56:17 57:23 67:17 98:13 107:17 108:3 121:23</p> <p>against [1] 106:18</p> <p>age [1] 18:5</p> <p>agent [8] 5:12 20:12 51:25 54:9 55:2,7,23,25</p> <p>agents [5] 29:11 51:2,3 52:2,9</p> <p>ago [8] 5:10,13,15 38:15 40:1,9 74:13 106:1</p> <p>agree [1] 4:19</p> <p>agreed [1] 104:10</p> <p>agreement [1] 42:16</p> <p>ahead [26] 6:10 8:20 20:2 20:21 37:11 44:11 47:17 69:7,11 70:13 71:15 72:23 73:3 81:22 88:3 109:12 109:15 110:2 118:18 120:13 124:2 125:7 127:14 131:6 132:18,25</p> <p>ai [1] 2803:8</p> <p>Alabama [1] 2803:18</p> <p>Alexander [9] 48:3,14 48:25 82:6,7 88:24 99:25 100:10,22</p> <p>allowed [2] 68:7 77:12</p> <p>almost [1] 72:4</p> <p>along [1] 105:23</p> <p>always [3] 56:2 70:14 128:10</p> <p>America [10] 2803:8 12:5 14:4 71:2 73:14 81:5 112:4 128:2 134:20 135:9</p> <p>amount [12] 25:18 106:4 106:5 119:12,25 120:7,11 122:23 124:23 125:18 126:4,5</p> <p>analysis [1] 82:13</p> <p>annuities [8] 39:2,16 44:3,20 51:15,20,21 55:9</p> <p>answer [44] 5:21 6:7 9:4 9:20 10:9 13:22 14:18 17:22 18:16 19:1,8,20</p>	<p>41:11 43:13 44:2 52:7 54:11,22 57:2 60:2,15 61:22 69:7 73:3 74:12 75:7 76:7,18,18 77:3,11 80:25 83:11 84:20 87:3 89:11 91:4 99:1 104:3 111:9 115:15 122:6 123:22 130:21</p> <p>Anthony [3] 2803:4 4:4 4:8</p> <p>anytime [1] 74:9</p> <p>apart [9] 50:24 51:1,2,24 52:2 54:6,8 55:2,25</p> <p>appear [1] 6:14</p> <p>APPEARANCES [1] 2803:14</p> <p>appropriate [1] 118:20</p> <p>approval [8] 102:1 103:17 104:5,13,22 134:21 135:10,16</p> <p>approve [3] 71:21 103:25 104:6</p> <p>approved [4] 101:24 102:1 104:4,9</p> <p>approving [4] 101:18,19 101:22 104:18</p> <p>approximate [1] 29:25</p> <p>area [20] 23:2,3,7,8 25:3 25:14,17,20 26:2,7,10,20 28:5 30:12 103:5 107:4,8 109:9 133:3 135:7</p> <p>areas [5] 14:23 23:8 29:19 30:12 41:7</p> <p>Arkansas [5] 2803:25 3:5,7 139:6,24</p> <p>ARKANSAS [1] 139:2</p> <p>assign [4] 61:13,19 71:22 76:1</p> <p>assigned [8] 52:5 61:8 65:13,25 66:2,3,10 72:1</p> <p>assignment [1] 113:3</p> <p>assigns [1] 66:7</p> <p>assistance [2] 83:12,20</p> <p>assistant [2] 48:6 129:5</p> <p>assume [2] 7:15 107:13</p> <p>assuming [3] 5:23 29:22 32:23</p> <p>Assurance [7] 12:2,8 13:15 14:7 16:12 52:20 64:5</p> <p>assure [1] 118:25</p> <p>attach [4] 71:23 81:15,19 95:17</p> <p>attend [1] 24:12</p> <p>attending [1] 127:16</p> <p>attention [3] 89:15 97:7 105:7</p> <p>attorney [5] 4:10,12 80:20 85:8 139:18</p> <p>authored [4] 82:21 83:12 88:25 112:24</p> <p>authoring [2] 82:1 83:7</p> <p>authorities [1] 127:23</p>
---	--	---	--	--

authorizing [1] 87:14	beyond [1] 127:12	Callen [7] 130:5,6,16 131:9,14,24 132:9	105:1,1 110:25 130:25 136:21	Commonwealth [24] 21:24 22:1,3,20,23 24:21 25:7,14,17 26:4,7,10,16 26:17 28:5,6,7,25 29:13 31:8 35:3 36:8,9,23
Avenue [1] 2803:21	Bilello [4] 47:18 48:13 48:22 80:7	Campbell [1] 2803:16	changing [2] 42:21 77:1	communicate [1] 90:4
aware [22] 56:14,18 62:13 62:17 63:12,15,21 64:6,8 64:9,11 65:4 93:15 105:24 106:7 111:11,19,22 131:11,13 132:1,3	bill [2] 120:7 125:23	cancer [103] 39:4 44:6 45:2 51:10 54:19 55:17 56:7,10,13,16 57:15,17 57:20 58:7 61:18,19 62:4 62:5,10,14,17,23 63:8,9 63:17,25 64:3,7,10,18 65:3,16,19,21,22,24 66:9 66:15,21,25 67:2,16,17 67:21,24 68:9,25 69:4 70:1,7,14 71:12 74:3 75:18,20 76:2,12,14 77:6 77:7,18 78:7,17 80:5 90:11,17,24 91:14,16,17 91:19 92:6,7,9,12,13,18 93:2,10 98:8,16 105:16 106:9,19 112:15,19,25 113:6,6,11,20 114:13,24 115:18 117:20 123:6 124:14 126:12 133:11,13 137:14,18,22	charge [3] 80:15 101:13 101:15	communicated [1] 89:25
-B-	billing [3] 31:20 33:3 37:23	bills [1] 126:14	charges [15] 77:1,4 99:7 105:6,22 113:1 118:21 119:5 122:8,10 133:22 136:22 137:1,5,8	communication [1] 90:6
b [16] 2:7 6:18 7:5,22 8:1 8:2,5,22 107:4,5 108:1,12 108:13,14,25 109:6	Birmingham [1] 2803:18	Bit [10] 12:22 18:4 19:4 26:19 33:2 34:23 54:13 70:6 84:2 94:12	check [1] 50:14	companies [53] 11:22 12:10 13:2,3,11,24 14:11 14:15,19,21 15:4,23 16:22 17:3 19:14,15 20:3,4,11 22:2,5,12 31:10,12,17 33:5,8,15 34:14 35:5,19 36:22,24,25 37:18,21 42:2 50:6,7 53:15 54:8 68:21 73:24 74:21 75:9 103:7 122:3,15 124:9 125:12 128:5,8,8
Bachelor's [1] 28:2	block [7] 44:18 49:25 50:15,17 51:16 52:12 55:1	blocks [3] 50:3 54:6,8	checklist [4] 95:21 96:3 96:6,8	companies' [2] 50:11 128:13
background [2] 68:12 108:19	Blue [6] 91:2 98:23,23 124:11,11,15	book [9] 28:9 50:10 51:23 52:20,23 53:3 73:21 103:8 105:17	chemotherapy [2] 120:22 126:7	company [177] 2803:8 6:21 7:16 8:6,7,10,14 10:13,22 11:25 12:1,1,2,3 12:5,6,7,8,9 13:6,13,14 13:15,15,16,23 14:1,3,4,5 14:6,6,7,8,10,20 15:1,2,7 15:8,9,10,11,12,16,17,21 16:4,6,9,12,14,23,24 17:7 17:8 18:1 21:21,22,24,25 22:3,10,11,14 24:7,14,16 24:21,22 33:4,15,23 34:13 34:15,16 35:3,4,14,16,20 35:22,24 36:2,5,14,17 37:5,7,8,9 40:4 42:15,25 43:5,8,11 44:19 46:20 49:19,23 52:12,15,18,20 52:23 53:3,6,14 54:2,14 55:12,16,25 56:7,9,12,19 56:21 57:3 61:7 62:22 63:5,16,20,22,25 64:2,5 64:13,17 66:1,22 67:8,21 67:23 68:10,18,22 69:1,4 71:2 73:11,12,14,19 74:19 76:9 81:4 107:15,21,23 107:25 108:6 109:1,3,23 112:4,13 115:21 118:25 128:2,3,11 129:17,25 131:17,22 133:20 134:20 135:2,8,13 136:15,25 137:4
backwards [1] 32:7	bottom [5] 71:4 74:15 82:14 97:17 121:2	booked [3] 27:3,10,12	claim [29] 5:9 96:18,21 97:6,11,20 98:4,12,16,18 106:10,13 109:8 118:19 121:24 123:18,25 124:14 125:5,10,24 126:9,25 127:15 134:23 135:12,18 136:16,16	company's [2] 107:7 136:22
bad [2] 5:20 41:13	bought [2] 22:5,7	books [1] 128:6	claims [64] 17:13,15 23:2 23:7,10,10,11,13,14,15,17 24:18,24 25:6,7 28:15,16 29:6 31:22,24 33:3 38:7 38:19,23,25 48:4 56:1 82:8,13 84:4 87:18 89:19 90:14 91:15 93:19,21 94:22,25 95:9,10,13,22 95:25 96:4,7 99:6,22 105:5 106:7,8 107:8,14 109:7 111:1,2 118:13 119:20 122:4 126:14 127:9,21 137:13,14,18	compensated [1] 17:24
badly [1] 57:22	Box [1] 2803:24	boss [16] 58:19 59:4,6,24 61:15 90:1 102:4,5,11,15 102:16 103:2,9,10,10,15	Clancy [10] 53:19 58:12 60:17 83:13 102:4,10 103:21,22,23 104:8	compound [1] 73:3
Baird [6] 58:20,21,22,23 59:23 60:11	Boyd [3] 48:4,15,25	break [10] 5:19 28:19 40:24 44:12,16 50:8 88:3 115:25 135:24 136:6	clause [1] 137:11	comprised [1] 100:21
Baird's [1] 59:6	Bradley [3] 48:1,14,24	breakfast [2] 6:8 21:16	Clay [4] 2803:15,23 4:7 4:13	computer [14] 78:4,18 78:24,25 79:1,6 80:9 88:10 95:3 115:16,18,20 116:4,5
Bankers [2] 73:11,12	Brenda [9] 53:19 58:12 60:17 102:4,10 103:21,23 104:8,18	Brian [2] 100:2,22	clear [3] 20:4 107:2 110:3	Computerized [1] 139:10
Barbara [2] 100:10,22	Brickell [1] 2803:21	Brickell [1] 2803:21	closed [1] 105:17	concern [3] 89:25 90:10 90:13
based [12] 51:25 53:8 55:2 58:12,15,23 59:7,9 59:11,15,24 75:20	bring [1] 4:18	broken [11] 50:24 51:1,1 51:2,24 52:2 54:6,8 55:2 55:23,25	code [5] 71:10 120:25 121:3,8,10	concerned [2] 89:13,24
basics [1] 5:18	brought [3] 89:12,14 105:6	Brought [3] 89:12,14 105:6	codes [1] 71:9	concerning [1] 135:10
basis [2] 23:23 46:9	build [1] 71:22	Burt [1] 2803:20	collecting [7] 88:20 93:18 94:5 96:20 97:1 99:4 127:8	concluded [1] 138:14
Bates [4] 80:21 81:3 94:15,18	business [43] 18:21 20:12,13 26:22,23 33:7 43:15,16,17,17,23,23 44:18 45:10 46:7 48:3 50:1,4,10,11,16,17 51:3,4 51:16,23 52:12,21,24 53:3 54:6,15,18 55:1,25 73:21 98:4,9 102:23,24 103:8 105:17 128:6	Byrne [6] 82:9,12,18 88:24 100:2,22	COLUMBIA [1] 2803:3	
became [7] 22:1,20 34:19 34:20 36:22,23,23	Byrne [6] 82:9,12,18 88:24 100:2,22	-C-	coming [2] 136:2 138:12	
begin [5] 9:14 88:7 89:8 123:24 124:3	C [2] 139:1,1	calculation [2] 133:25 134:8	command [3] 38:4 53:17 103:17	
beginning [4] 3:7 32:3 42:6 107:3			commission [1] 139:25	
behalf [20] 6:14,20,21 7:16 8:5,6,10,14 107:15 107:21,23,24 108:6 109:1 109:3,22 129:17 134:20 135:8,13			commissioners [1] 111:6	
behind [3] 95:7,8,17			commissions [1] 47:20	
Bellarmino [7] 21:5,6 23:6,24 24:5,20 27:17			committed [1] 106:13	
beneficiary [2] 31:20 38:9			common [1] 15:22	
benefit [34] 12:1,7 13:14 14:6 16:9 33:4,10,19,22 34:8,12 35:1,4,24 36:5,23 37:17 39:19,25 40:6,7,13 40:18 41:18,21 42:1,19 52:18 56:12,20 63:16,24 85:19 119:16			commonly [1] 70:10	
benefits [17] 84:1,2 98:11 118:20 119:1,10 120:6,20,24 121:22 122:3 124:16,22 134:22 135:11 135:17 137:12				
Bennett [3] 3:4 139:5,23				
best [1] 137:1				
better [6] 19:4 50:8 56:15 62:2 105:12 131:8				
between [11] 7:21 23:5 23:20 24:17 25:5,12 26:1 37:7 76:21 106:1 137:7				

conclusion [1] 8:9	court [5] 2803:1 6:1 68:7 68:13 72:21	107:3 109:4,13 110:7,13 120:16 138:13 139:4,8,8 139:17	94:14	electronic [1] 132:22
confused [1] 50:9	cover [3] 68:8,14 109:5	depositions [4] 5:1,5,8 47:23	discussed [2] 111:12,14	employed [5] 34:5 49:19 73:17 139:16,19
connected [2] 76:25 80:5	coverage [5] 91:2,8,9,10 124:12	describing [2] 44:17 107:16	discussion [2] 90:14,16	employee [8] 49:10 53:22 58:17,25 68:20,23 112:11 139:18
connection [3] 46:8 112:23 137:7	covered [2] 68:5 108:19	description [2] 45:15 45:17	disease [1] 98:8	employees [30] 11:12 11:13 19:5,6,9,10,12,14 19:17,23 20:4,8,10,16 46:9,14 49:11,17,21,23 53:11,15 54:2 75:4,5 137:17,25 138:1,2,7
Connie [7] 2803:11 2:4 3:1,9 6:22 82:3 139:4	covering [1] 68:13	designated [10] 6:19 8:1 68:13 72:21 109:22 129:15,16 134:19 135:7 135:12	dispute [1] 84:2	employer [11] 5:6 10:12 33:9,18 37:17 40:16,17 40:21 43:8 85:16 112:11
consider [2] 118:9 126:24	covers [1] 98:4	designation [9] 18:21 19:13 20:8,18 28:1 70:3 71:19 74:17 97:16	DISTRICT [2] 2803:1,2	employers [4] 27:8 35:9 35:12 39:24
consideration [3] 134:21 135:10,16	Cross [4] 91:2 98:23 124:11,15	develop [2] 61:24 65:24	division [7] 2803:3 56:25,25 74:16,19,19,24	employing [3] 40:4,18 40:19
considered [2] 126:23 127:11	current [7] 14:25 30:15 30:17,18,25 32:8 37:4	developing [9] 61:23 65:12,22 66:9,11,12,15 75:12,16	divisions [2] 56:24 57:7	employment [2] 6:4 42:16
contact [1] 111:20	Curtis [6] 46:13 47:1 49:12 79:17 82:15,18	development [4] 47:22 65:21 66:14 67:5	doctor [13] 106:5 119:12 120:1,11 124:18,25 125:1 125:2,16,21,25 126:4,6	end [3] 113:1 121:22 122:13
contained [1] 79:20	customer [23] 17:17 22:24 23:2,8 25:2,14,16 26:11,14,15 28:24 29:3,5 29:10,16,19,23,24 31:19 33:3 37:25 48:1 133:12	detail [1] 27:2	doctor's [6] 120:7 124:18,24 125:16,20,23	ensuring [1] 137:11
continue [2] 121:18 127:25	customers [3] 99:13 119:3 134:10	determine [1] 118:9	doctors [3] 119:5,11 126:16	entities [14] 13:8,19 17:19,25 19:17,23 57:11 57:13,23 66:23,24 67:10 74:3 115:12
continuing [3] 40:6 89:13,14	Cyberlife [1] 79:3	develop [2] 61:24 65:24	document [7] 45:24 48:7 81:8 88:13 94:15 120:14 129:6	entities' [1] 92:9
contract [3] 42:17,19 48:5		development [4] 47:22 65:21 66:14 67:5	documentation [5] 118:21 134:22 135:1,11 135:17	entity [26] 10:14 18:17 19:2,11 20:16 22:4,6,7 29:1 42:12 58:3 60:21,24 62:3,14,16 63:6 64:7,10 66:20 67:8 73:17 74:8,17 92:21 107:9
conversant [1] 133:4		Dickey [14] 47:13 48:13 48:22 61:17 65:11 66:7 75:12,17 76:1 77:6,17 79:9 80:4 83:5	documents [29] 9:17,21 10:1,4,7 80:20,24 81:19 94:10 95:7,8,21 96:1,2 98:18 105:4 110:22 111:2 119:4,8,11 121:7,9,11 122:12 123:10,19 124:5 130:20	entity's [2] 19:12 36:12
conversions [1] 77:22		Dickey's [1] 76:25	doesn't [8] 48:9 49:10 71:10,12,16 91:13 98:5 131:23	entries [6] 27:3,10,12,13 28:9 38:20
copies [1] 98:22		dictating [1] 25:6	Don [3] 59:5,6,24	entry [1] 120:21
copy [2] 69:17 80:19		difference [1] 106:1	done [6] 8:21 83:9 95:23 116:8,9 133:25	EOBs [6] 97:25 98:18,23 120:9 122:14 125:11
corner [1] 71:4		differences [2] 72:16 73:6	double [1] 50:14	error [13] 87:11,14 99:2,5 99:8,10,17 100:21 104:24 105:20 106:12,22 134:13
corporate [6] 11:12,13 104:15 115:10 137:25,25		different [44] 12:23 15:3 15:3 19:22 20:10,16,17 23:4 34:5 35:14 36:17 37:4 39:3,11 40:4 42:25 44:9 46:2 47:9,10 54:7,18 67:2 68:16 70:6,11 72:10 72:17,25 79:22 95:23 98:4 110:22 113:18,19 114:16 115:11,11,12 119:8 128:11 130:12,12 134:2	done [6] 8:21 83:9 95:23 116:8,9 133:25	errors [1] 113:17
corporation [1] 14:15		differently [7] 34:23 43:7 54:13 77:8 107:24 123:4,15	double [1] 50:14	Esq [3] 2803:16,20,23
correct [43] 13:17 14:8 14:16 29:22 31:1,2,15 35:21 36:3,6,10,16 37:6 44:22 48:15 49:1,16 51:22 53:7 54:16 55:10 57:25 58:1 61:14 65:10 89:23 97:11,14 99:3,10,16 104:24 107:5 118:24 122:10,22 124:5,9 129:19 134:23,24 136:18,20		difficult [1] 9:11	down [8] 9:12 40:23 41:12 42:21 50:8 58:6 74:15 121:2	et [1] 2803:8
corrected [2] 99:8 122:7		direct [4] 38:3 41:8 87:24 97:7	downline [1] 101:10	event [1] 8:19
correcting [5] 86:21,23 100:20 105:3 111:1		directed [4] 91:14 92:15 113:5,7	drafted [9] 77:7 128:17 128:19,21 129:23,25 130:21 131:16 132:16	Eventually [1] 29:9
correction [11] 99:14 104:11 117:19,20 121:14 121:15 133:17,18,19 134:6 136:16		direction [1] 61:14	drafting [12] 25:6 88:12 128:22 129:1,11,12,18,19 131:4,12 132:4,8	everybody [5] 4:5 48:18 48:22 123:6 124:6
corrections [2] 88:14 134:25		directly [12] 46:15,22 47:11 48:12 49:2,22 82:18 85:12 87:16,16 89:1 129:9	drag [2] 29:21 136:3	everywhere [1] 62:6
correctly [1] 82:10		director [22] 30:9,11,13 32:11,12,18 40:2,7,12 41:2,3,3,14,22 46:18 47:1 47:6 48:4,4 82:8,13 86:2	Dressing [2] 100:13,23	exact [5] 25:18,22 108:2 114:9,10
correspondence [3] 69:23 81:11 82:1		disability [5] 39:6,7,8 44:6,25	DSI [1] 97:16	exactly [5] 5:16 25:25 32:15 37:2 110:24
counsel [21] 9:1,3,22,24 10:5 83:12,20 85:7 86:3 103:1,3,4,6,7,11,13 109:20 130:17,18 139:15 139:19		disagree [1] 108:16	due [1] 126:4	examination [5] 2:5,6 4:1 89:8 136:9
counsels [1] 103:12		disagreement [1] 110:4	duly [2] 3:10 139:12	examiner [2] 38:25 95:25
counted [1] 48:17		disclosures [2] 80:23	duties [2] 38:12 45:14	examiners [1] 122:11
countries [1] 60:8				examining [2] 88:20 94:4
County [4] 3:5 139:3,6 139:24				example [4] 62:19 124:9 124:11 125:4
couple [6] 32:19,24 98:4 99:23 100:8 136:11				
courses [2] 24:13,13				

-D-

-E-

excellent [1] 12:20	finding [1] 71:2	38:14 106:10 113:21	129:16	13:20 14:15 16:16,21 17:5
except [2] 51:20 53:12	fine [5] 6:6,7,9 108:22,25	128:19	handwritten [1] 110:6	37:5
excess [7] 99:7 105:6,22	finish [2] 9:13,14	generic [6] 18:18 20:13	hate [1] 18:5	include [1] 113:10
105:25 121:16 122:9	first [28] 3:10 8:24 14:9	20:22 57:6 74:20,22	head [3] 22:13 102:22	includes [3] 123:9
133:22	49:4 50:9 61:2 73:10	geographically [2]	115:8	125:10 128:12
excluding [1] 24:7	74:15 81:10,25 88:19,22	50:24 52:3	heading [1] 71:1	including [1] 122:14
exclusion [1] 9:20	92:1 93:16,25 107:4,8,25	Gidiere [1] 2803:16	heads [1] 9:11	Incorporated [2] 11:1
executive [2] 53:21	108:17,21 114:7 117:11	given [4] 17:19 86:25	health [13] 44:3,5,20,24	12:12
60:17	120:18,22 121:3 127:8	100:19 139:21	45:2,5 98:1,11,19,24	increase [3] 93:11 105:14
exhibit [90] 2:8,9,10,11	128:1 139:12	giving [2] 68:11 108:14	118:22 119:11,16	134:16
2:12,13,14,15,16 6:11,12	fit [1] 45:5	goes [2] 51:24 96:18	hear [1] 9:3	increased [1] 41:8
69:11,12,16 70:20,24 73:9	five [3] 40:25 68:7 72:21	Gold [1] 102:6	heart [9] 44:7 45:3 51:11	increases [14] 85:11
73:10 74:6,14 75:14,21	floors [1] 48:17	Goldstein [5] 102:5,7	54:19 98:8,21 112:22	89:13,14,16,22,25 90:10
76:3,5,8,15 77:9 81:14,16	Florida [1] 2803:21	102:25 103:24 104:9	113:16 126:6	90:13 93:6,14 105:11,13
81:20,23,24 83:7 84:12	focused [1] 134:9	gone [3] 30:9 32:24 135:5	held [1] 25:19	117:3 134:13
86:12,16 88:6,16 94:2,18	follows [1] 3:11	Gooch [16] 2803:4 4:4,8	help [3] 68:16 118:24,25	increasing [1] 134:10
94:19,20,24 95:20 96:13	foregoing [2] 139:7,8	6:17 69:18,19 70:2 79:5	helps [1] 130:11	incurred [6] 94:11 106:4
96:14,20,22 97:2,3,7,10	form [76] 9:19 13:21	106:7,8 120:20 123:4,15	hereby [1] 139:6	124:24 137:8,10,12
97:17,21 98:9,17 104:1	14:17 17:21 18:15,25 19:7	125:4 126:8 136:13	hereto [2] 139:12,19	independently [1] 9:25
109:12,13,15,16,19 110:5	19:19 20:20 37:10 41:10	Gooch's [13] 62:19 69:21	hey [1] 42:21	indicated [7] 33:6 37:22
110:7,12,13,14,15 111:23	43:12 44:1 52:6 54:10,21	73:9 78:17,25 79:11,19	Hicks [3] 47:20 48:13,24	100:21 110:21 125:9
111:24 112:12,17,24	57:1 60:1,14 61:21 69:6	80:16 106:10 113:6 124:8	high [3] 18:6,6 20:25	131:24 133:20
113:19 114:3 117:9 118:4	70:5,12,15,17 71:3,6,14	124:14 128:17	Hilton [1] 3:6	Indicating [1] 70:22
118:7,10,13 119:21	71:19,23,25 72:18 73:2,4	good [4] 4:17 14:24 69:10	HIPPA [2] 127:18,24	indirectly [1] 87:17
120:14,16,18 121:2,25	74:1,1,2,6,7,11 75:6,13	88:2	hold [3] 27:19 33:25 68:4	individual [7] 7:19 8:1
127:7,13 129:16 136:13	75:15 76:6,17 77:2,10	goodness [1] 126:6	holding [25] 10:22 13:23	8:8 107:10,12 108:25
exhibited [1] 127:13	83:10 84:8,19 86:8 87:3	gotcha [1] 95:19	14:1,3,10,20 15:17 34:17	114:18
existence [1] 36:21	89:10 91:3 95:10,13 96:23	Grable [3] 47:19 48:13	34:18,21 35:2,6,16,16,20	individuals [2] 103:21
existing [1] 116:14	98:25 104:2 111:8 113:22	48:24	35:22,22 36:2,2,13,14	104:8
expanded [4] 30:10,11	114:19 115:14 122:5	graduate [3] 18:6 21:8	37:4,7,8,9	inform [2] 111:21 129:22
41:2,6	123:21 125:6 127:1,15	21:10	hope [1] 135:4	information [48] 47:19
expect [1] 126:16	131:5 132:17,24 135:3	graduated [6] 20:25 23:6	hospital [1] 98:8	68:12 71:22 78:25 79:5
experience [1] 73:5	136:19 137:9,19 138:4	24:5,20 25:9 27:23	hour [2] 28:21 40:24	79:11,19 80:15,16 87:11
expires [1] 139:25	formal [6] 24:6,7,9 27:24	24:5,20 25:9 27:23	hours [5] 24:2 68:5	88:21 93:18,20 94:6,8,22
explain [1] 121:8	42:16,19	graduation [1] 25:10	108:10,17,21	96:9,10,16,20 97:2,3,5
explained [1] 136:15	forms [11] 73:5 84:1	greater [1] 89:19	-I-	115:5,17 117:5 118:8,9
explanation [10] 98:10	86:21 99:12,14 119:16,23	group [7] 17:14 19:16	idea [14] 32:22 83:18 84:5	118:12,21,23,25 119:20
119:10,16 120:6,19,20	120:5 130:11 136:16,17	20:8,9,11,15 119:11	84:14,14,15,15,24 86:5,6	119:25 120:3 121:20
121:21 122:2 124:16,22	forth [2] 54:20 109:23	grouped [1] 49:9	86:9,10,25 87:5	122:13 123:2 124:1
extent [1] 51:17	forward [1] 29:18	guess [6] 22:4 33:22	identified [7] 75:13 76:3	125:10,14 126:22,23,25
-F-	found [7] 99:2 105:5,24	35:16 59:5 104:14 105:23	76:15 77:8 84:11 98:17	127:9,12,23 131:15
F [1] 139:1	120:3,5 121:17 122:9	guessing [1] 6:6	135:20	informational [1] 119:9
fact [1] 138:1	four [1] 40:9	guide [4] 94:25 95:6,7,11	identify [4] 69:14 98:17	inhouse [2] 4:11,13
facts [1] 139:7	frame [2] 26:3 40:11	Gwin [13] 85:1,8,10,16	131:3 132:7	initial [2] 80:22 94:14
fair [2] 5:24 84:4	fraud [2] 127:18,23	87:6,20 89:12,21,24 93:5	identity [2] 129:18 135:9	initiative [2] 83:9,22
familiar [5] 42:11 71:18	free [1] 126:9	100:12,23 117:2	image [1] 95:1	input [4] 87:7,8,13 116:23
71:20 106:10 133:6	front [2] 69:21,22	Gwin's [2] 90:10,13	immediate [1] 29:9	instituted [1] 106:18
far [3] 68:5 100:19 132:22	full [13] 13:7 106:5 119:6	-H-	implementation [10] 48:6 61:5 62:1 66:17,18	Instruct [2] 10:8 77:11
Federal [1] 3:2	119:13 120:2,8,12 122:24	H [1] 2:7	75:17 76:2 77:7 129:2,6	instructed [1] 77:13
few [4] 13:2 44:8,11 133:2	124:19 125:3,17,22	half [1] 88:21	implemented [3] 84:6	instruction [2] 97:25
figure [4] 39:24 51:7	126:19	132:4 139:21	99:15 101:16	98:3
53:17 134:1	full-time [1] 23:25	handle [5] 17:13,15 39:4	implementing [2] 66:16	instructions [6] 96:21
figured [1] 121:17	functions [9] 17:17	39:6 50:16	101:11	97:10,13,20 98:7,16
filed [6] 71:6 72:3,4,13	22:25 26:21 38:19 39:12	handled [11] 50:17,19	important [1] 118:20	insurance [152] 2803:7
132:19,20	41:5 49:9,14,15	51:9,17,21 52:12,16,18	impossible [1] 73:3	10:13 11:25 12:1,1,3,5,6
filing [2] 71:20 129:12	future [1] 109:8	54:15 55:19 137:14	Inc [17] 11:5 12:24 13:23	12:7,8,9 13:2,6,13,14,15
financial [26] 12:3,9	-G-	handler [2] 23:17 24:24	13:25 14:3,10,19 16:17	13:16,24 14:4,5,5,6,8 15:9
13:16 14:8 16:14 18:14	G-W-I-N [1] 85:3	handles [1] 56:1	16:19,20 37:8 53:5 137:17	15:10,12,15,17,20 16:4,6
18:17,24 19:6,9,10,13,16	Garnet [1] 102:19	handling [9] 24:18 25:6	137:21,24 138:2,7	16:9,14,22,23 17:2,7,8
19:24 20:7 25:20 26:2,6	Garrett [6] 102:5,13,20	25:7 29:6,11 38:18,20	Inc. [9] 10:21 12:21 13:17	18:1 19:14 20:11,15 21:24
26:10,13,20 28:4 52:23	102:21 103:24 104:9	68:25 107:8		22:9,11,12,14 23:15 24:22
64:12 86:2 102:23	general [10] 27:13 38:20	handwriting [2] 103:23		26:24,25 27:1,5,6 29:11
financially [1] 139:19	103:1,3,4,6,7,11,12,13			31:12 33:23 34:14 35:3,4
	generally [5] 28:20			35:5,19,23 36:4,22,25

44:20,21 46:19 49:19,23 52:12,15,18,23 53:3,6 54:2,14,19 55:11,16,24 56:7,9,12,21 57:3,5 62:22 63:4,16,24 64:2,13,17 66:22 67:7,21,23 68:18 68:22 69:1,4 71:1,7 73:11 73:12,14,19 74:16,21,24 75:9 76:9 81:4 109:22 111:5,6,20 112:4,13 115:12 119:17 121:22 122:3,15 124:9 125:5,11 125:19 126:13 128:2,3,11 129:17 134:20 135:8 137:15,18,22	issue [15] 55:16 56:9,12 56:15 57:20,21 62:4,10 62:14,17 63:16 64:7,10 88:20 94:5 issued [16] 37:20 62:20 63:5,25 64:3,18 67:15,19 67:21 69:1,5 70:1 74:3 93:2 114:25 128:11 issues [3] 53:6 56:7 62:3 issuing [6] 62:23 63:5 65:3 66:20,24 67:24	laws [1] 127:22 lawsuit [1] 68:11 lawyer [3] 9:5 103:1 130:8 leader [5] 30:8 31:7,11 31:16,23 Leading [1] 31:19 led [1] 90:14 ledger [3] 27:13 28:13 38:20 Lee [1] 2803:16 leeway [1] 68:11 left-hand [1] 71:4 legal [9] 18:17 19:2 20:16 27:21 36:11 73:17 74:17 106:18 130:7 legally [1] 37:2 letter [29] 6:17 7:4,5,21 8:13,20,21 68:6 72:20 91:23 107:3 108:12 112:12,14,17,18 113:18 113:19,23 114:12,20 117:11,13 118:16,18 136:12,13,15,21 letterhead [1] 113:25 letters [5] 100:8 114:8 116:3 117:15,16 letting [1] 119:3 level [1] 49:10 Leventhal [89] 2803:20 2:6 4:9,9 7:1,8,12,17,20 8:13,16,19 9:19 10:8 13:21 14:17 17:21 18:15 18:25 19:7,19 20:1,20 37:10 41:10 43:12 44:1 52:6 54:10,21 57:1,14,17 58:4,7 60:1,14 61:21 68:4 69:6 70:5,12 71:14 72:18 73:2 74:11 75:6,15,22 76:6,17 77:2,10 80:25 81:14,17 83:10 84:7,19 86:8 87:2 89:10 91:3 96:23 98:25 104:2 107:1 107:12,22 108:7,9,22 109:5 111:8 115:14 116:25 122:5 123:21 124:2 125:6 127:1,14 131:5 132:17,24 135:3 136:5,10 138:10 liability [2] 126:4,11 licensing [1] 48:5 life [163] 2803:7 4:12,14 5:2 6:4,14,23 8:2 10:13 10:17 11:24,25,25 12:1,3 12:5,6,7,9 13:5,12,13,14 13:16 14:3,4,6,8 15:6,12 15:25 16:1,4,9,14 17:8,11 18:1,13 21:24 22:2,14 23:11,13,14,14 24:21 30:21 33:22 35:3,4 39:2 39:11,13,15 40:16,20 42:14 43:5,8,10 44:3,19 44:19 46:19 49:19,23 51:6 51:8,12,12,16,23 52:11 52:18,23 53:3,21,22,23 54:1,14,19 55:1,5,6,11,16 55:24 56:6,12,20 57:3,23 58:2,17,25 60:12,17,21	60:24 62:4,13,16,22 63:16 63:24 64:13,17 66:22 67:7 67:20,23 68:17,22 69:1,4 71:1,11,17 73:11,12,14 73:15,16,19,25 75:4 80:23 81:4 90:16 91:13,15,18 91:23 92:2,6 93:6,9 105:16 107:8 109:22 112:3,9,13 114:12,25 115:17,23,24 117:23 120:19 123:6 128:1,2,7 128:13 129:17 134:20 135:8 137:14,18,21 LIICA [6] 80:21,22 81:4 81:5,7,22 LIICA12 [1] 94:18 limited [1] 8:4 line [8] 44:10 88:2 90:20 90:21 91:13 92:2 93:25 98:8 lines [2] 54:18 98:4 list [12] 15:5 31:11 36:24 45:14 47:16 48:7 50:12 50:13 87:24 106:2,3 119:9 listed [18] 13:20 14:11 19:17 20:3,5 44:19,24 45:2 49:18,21 50:1 51:19 54:1 57:11 61:3 83:2,6 98:6 Listen [1] 21:15 lists [3] 45:18,24 54:7 Live [3] 30:20 50:17 51:4 LLC [1] 2803:17 located [4] 18:14 74:23 74:24 75:2 location [2] 11:7 43:21 locations [9] 11:8 18:20 56:18,20 57:8,9,10,13 63:21 long-term [2] 39:6,8 longer [2] 131:17,21 Longest [1] 130:2 look [15] 28:11 81:7 86:12 113:4,7,18 115:11 116:13 116:19 118:4 120:15 127:7,19 130:23,25 looked [3] 6:15 9:21,23 looking [6] 5:21,22 41:12 70:23 97:20 111:23 loss [27] 26:22,23 27:6 94:11 97:5 106:4 118:23 118:24 119:5 121:11 123:8,9,11,14,16,19 124:5 124:24 126:3,3,10 127:17 134:2 136:18 137:7,10,11 Louisville [62] 18:12,13 20:25 21:7 43:16 45:10 46:7,9,12,14 47:2 49:6,8 49:12 50:5,8,10,12,15,17 50:23 51:4,8,9,25 52:13 52:19,22 53:1,2,4,9,10,16 54:16,24 55:6,8,14,19 56:14,18,23 57:24 60:23 62:10 63:2,11,18 65:1 79:2,2,15,17,19 82:13 92:14,15,20,21 93:1,3 Louks [3] 47:25 48:14,24	LPC [1] 71:8 LPC01TN [1] 70:18 LS [3] 3:4 139:5,23 -M- M [1] 2803:15 machine [1] 139:10 mad [1] 9:12 mail [1] 117:15 mailed [2] 69:17,19 mailroom [2] 95:17,24 major [2] 90:25 96:2 majority [1] 91:17 manage [2] 103:8,8 managed [2] 73:18,21 management [7] 14:23 47:14 48:7 61:4,18 105:24 129:7 manager [19] 30:9,12 32:5,21,25 33:4,18 37:16 37:22 38:13,24 39:18,20 39:25 61:25 66:12 80:9 89:15 100:13 managers [1] 41:15 managing [1] 61:23 manner [3] 134:21 135:10,16 mark [21] 2803:23 4:11 6:10 48:1 69:11 81:20,22 85:7 86:3 87:20 89:4,6 96:12 100:12,23 101:2,25 104:4 109:12 110:5 120:13 Mark's [6] 102:5 103:1 103:9,10,10,15 marked [13] 6:12 69:12 69:16 75:21 81:24 94:20 95:20 96:14 109:13 110:7 110:13 120:16 136:12 Marketing [1] 2803:24 Markham [2] 2803:20 4:9 Mary [1] 48:2 Maryland [8] 10:24,25 11:2,11,14 138:1,3,8 materials [2] 46:1,3 matter [4] 5:3,3 7:23 108:1 matters [5] 5:4 7:22 68:7 72:21 108:11 may [12] 9:10 32:7 44:11 66:6,14 69:8 116:21 117:11,12 128:10 130:25 136:5 MBA [1] 24:13 mean [66] 11:2,6 12:14 15:8 22:4 23:14 27:12 28:10 59:12 71:8,10,11 71:16,16 78:2,10,16,20 81:18 84:22 87:4 88:17 88:17 89:3 90:6 91:1,5,12 91:24 95:2 99:18,18 101:10,14,14,24 103:1,4 103:9,9,10,12 104:14 105:14,25 107:13 108:10
--	---	--	--	--

109:2,7 113:22 115:5,16 116:9 120:5,5 121:16 123:11,13 124:3,17,21,25 124:25 125:9 130:1 133:18 meaning [1] 133:4 means [8] 11:7 15:16 28:11 43:23 45:1 71:19 90:23,23 meant [2] 21:15 30:23 med [1] 90:25 Medicaid [4] 98:23 121:21 122:18 125:11 medical [9] 44:6 45:3 98:1,19 119:16 120:1,12 124:21 126:14 Medicare [4] 120:9 121:21 122:18 125:11 Melton [2] 100:10,22 members [3] 99:20 100:11,20 memo [40] 82:18,21 83:7 83:12,14,16,18 84:3,11 87:5,10 88:25 91:14,24 92:5,10 93:24 95:22 96:19 96:24 97:2,14 98:22 99:2 101:19,23 107:16,23 108:9,13 112:24 113:5,7 113:10 116:12,20 119:20 122:14 126:20 127:25 memorandum [5] 86:19 86:24 87:15 88:8 101:6 memory [1] 32:7 mention [1] 105:19 mentioned [4] 102:10 104:23 105:20 137:24 merged [3] 73:24,25 128:9 MESSRS [2] 2803:15 2803:23 Metro [1] 3:6 Miami [1] 2803:21 middle [3] 2803:2 94:6 108:24 might [4] 12:22 71:11 130:2 132:3 mind [1] 50:14 Mine [1] 83:19 minute [2] 24:14 136:6 minutes [3] 40:25 44:11 44:14 miss [1] 37:13 missed [1] 112:23 Misstates [1] 96:24 mistake [1] 66:15 misunderstanding [1] 34:22 misunderstood [1] 66:6 Monumental [26] 22:12 22:14,16,20 26:18 28:6 28:25 29:14 31:9 34:2,3,6 34:12,24 35:1 36:7,23 37:3 46:21 53:3 64:17 65:6 85:23 92:13,18,19 morning [1] 4:15	most [3] 39:12 132:9 133:4 move [4] 29:4 52:11 126:20 133:3 moved [2] 41:23 100:15 moving [1] 107:4 Ms [33] 4:15 8:24 10:11 46:4 47:1 48:13,14,14,14 48:22,24,25,25 49:12 58:21 66:7 68:6 72:20 75:11,17 76:1,25 77:6,17 79:9,17 80:4 82:15,17 83:5,13 88:24 136:11 multiple [9] 18:19 33:5 33:7,8 38:3 39:23 59:14 60:5 65:14 must [1] 137:11 <hr/> -N- <hr/> N [1] 2:1 name [26] 4:3 12:22 13:7 18:18 20:14,22 33:21 34:21 35:4,8 36:12,13,14 36:16,17,18 53:13 56:19 57:6 74:20,23 79:4 85:2 102:17 114:25 128:11 names [3] 100:19 114:16 128:13 narrow [2] 8:11 58:5 necessary [24] 88:21 93:18 94:5,8,10,22 96:3,6 96:20 97:1,3 98:18 99:4 118:8,9,25 119:20 122:13 125:9,13 126:23,24 127:9 127:12 need [15] 5:4,19 9:4,9,9 28:19,21 84:22 98:22 99:15 100:6 119:4,25 121:20 122:2 needed [5] 97:5 99:3 121:9,12 122:10 needs [2] 61:10 71:24 neither [2] 108:11 139:15 Netherlands [5] 59:18 59:20,23,25 60:4 Neva [3] 46:13 49:8 82:15 Neva's [1] 46:17 never [5] 33:14,15 73:16 74:18 77:4 new [43] 13:5 17:8,11 48:3 61:5,6,6,23,24 62:1 65:12,21,22,24 66:9,15 66:16,18,20,24,25 67:2 67:10,16,17 68:1,9 75:12 75:16,18,20 76:2,9,11,14 77:5,7 78:17 79:6,12 89:12 122:12 127:20 newer [1] 79:25 next [10] 25:12,19 36:11 40:9,12,21 41:1,17 47:19 88:2 nickname [2] 18:23 20:23 night [2] 109:24 110:5 nobody [4] 108:5 131:11 133:25 134:8	nor [3] 108:12 139:16,19 normal [1] 104:14 Notary [3] 3:5 139:5,24 notes [2] 110:6 139:11 nothing [4] 68:6 107:24 109:1 139:14 notice [8] 6:11,18 99:13 107:5 110:17 119:2 121:21 122:17 noticed [1] 7:25 notices [1] 125:10 notified [1] 99:12 notify [1] 111:5 now [58] 6:15,22 8:9,21 13:18 14:24 22:2 24:16 31:3 37:22 40:23 41:12 44:9,12 45:8,22 68:5,9 73:23 74:1 79:12 81:25 83:25 93:5,16 95:20 97:8 99:8 100:18 103:16 107:11 108:14,24 109:6 110:12,20 111:23 113:19 114:10 117:9 118:13 119:15,15,23 120:17 122:12,14,25 123:9 124:8 125:10,14 126:15,23,24 127:11,25 128:13 number [13] 41:8 71:3,6 80:21 94:15 109:10 114:9 114:10,21,23 115:1 133:3 135:7 numbered [4] 3:3 81:4 94:15,18 numbers [2] 28:11 116:10 NV [1] 59:21 <hr/> -O- <hr/> O [1] 2803:15 object [17] 9:19 13:21 14:17 17:21 18:15,25 19:7 19:19 20:20 37:10 41:10 43:12 52:6 57:1 72:19 89:10 111:8 objecting [1] 7:2 objection [47] 10:8 20:1 44:1 54:10,21 60:1,14 61:21 69:6 70:5,12 71:14 72:18 73:2 74:11 75:6,15 75:22 76:6,17 77:2,10 83:10 84:8,19 86:8 87:2 91:3 96:23 98:25 104:2 115:14 116:25 122:5 123:21 124:2 125:6 127:1 127:14 131:5 132:17,24 135:3 136:19 137:9,19 138:4 objections [2] 109:24 110:5 obtained [1] 30:13 obviously [3] 108:12 114:7,17 Occidental [9] 11:25 12:7 13:14 14:5 16:6 52:15 56:9 63:4 64:2 occur [3] 6:16,18 117:21	occurred [3] 29:1 34:10 118:2 off [16] 8:24 15:6,25 20:24 22:13 75:24 81:10,25 88:18 99:19 100:8 114:7 115:7 117:11 118:7 126:7 office [21] 45:20 47:2 52:5 56:1 57:24,24 58:2 58:10 59:13 60:20 62:11 62:13,20,25 63:2 64:22 64:25 65:2 92:25 115:5 139:21 officer [2] 112:2,3 offices [13] 54:7 59:14 59:17 60:5,6,8,22 63:12 63:15 64:6,9 65:8 115:11 official [3] 59:3 60:10 112:6 Ohio [7] 12:2,9 13:16 14:7 16:12 52:20 64:5 old [5] 33:14 57:6 74:17 127:20 130:23 oldest [2] 129:24 130:1 once [2] 121:17,17 one [40] 5:3,9,12 6:16 7:3 7:9,15,24 9:9 16:22 17:2 17:3 22:19 23:19 33:15 37:14,24 40:15 42:5 45:16 48:16 49:5 50:13 61:24 68:1 69:8 73:24 75:8,9 80:19 83:4 101:21 105:23 115:13 120:9 122:16 126:7,8 131:13 134:11 ones [2] 49:20 67:12 onto [1] 28:12 operate [4] 10:24 11:2 11:10,11 operates [1] 10:25 operating [8] 18:19 20:9 20:9 103:5,5,13 112:2,3 operation [5] 11:4,6,9 49:7 92:16 operational [4] 18:19 20:10 29:19 103:6 operations [13] 11:8 14:22 16:3,5,15 30:21 31:1 43:14 45:9 46:6,18 47:1,6 opinion [1] 106:16 ORAL [3] 2803:11 3:1 139:4 order [6] 48:20 95:22 104:23 121:8,24 122:3 organizational [1] 47:21 original [7] 11:21 30:8 50:13 70:15 86:4 129:18 129:23 originally [2] 34:17 62:21 originating [5] 51:3,25 52:2 54:9 55:2 otherwise [1] 139:20 ought [1] 89:16 outcome [1] 139:20 outside [2] 24:13 77:12	overlap [1] 7:21 overpaid [4] 106:16 133:20,21,23 overpaying [2] 113:12 113:13 overpayment [1] 106:20 overpayments [1] 106:21 overriding [1] 137:10 oversee [7] 43:14,23 61:25 66:13 68:25 71:21 100:15 overseeing [7] 65:23 66:17,18 75:17 76:2 77:6 77:17 oversees [1] 61:5 oversight [1] 129:1 own [2] 6:21 103:23 owned [2] 12:16 35:22 <hr/> -P- <hr/> P.O. [1] 2803:24 package [5] 96:18 111:1 127:19,20,20 packages [1] 127:21 page [14] 2:2 69:21,22 70:19,20,23 73:10 74:15 82:15 92:2 111:25 120:18 120:22 121:3 paid [8] 28:15 33:20 118:22 124:15 125:2 134:22 135:11,17 paperless [1] 95:3 paragraph [1] 118:17 parens [1] 128:5 parent [1] 14:15 Parkway [1] 2803:17 part [15] 14:9 18:24 22:1 22:5 23:25 34:14,16 35:1 36:24 51:1,7 113:3 116:11 116:13 137:10 part-time [5] 21:11,17 22:22 23:23 24:1 particular [25] 8:10 27:1 27:4 42:12 50:3,21 51:8 52:5,10 70:7,7 71:25 72:6 72:13 73:9 74:1,6 75:13 76:15,22 118:17 121:8 132:20 133:8,10 parties [2] 139:16,19 Partners [10] 18:14,17 18:24 19:6,9,10,13,16,24 20:7 parts [1] 6:15 past [8] 62:16 63:25 64:3 64:10,15,18,19 67:21 Pat [1] 58:20 pathology [1] 127:17 pause [1] 81:9 pay [21] 10:14 17:19 93:19 94:22 95:22 119:1 119:20 121:18,24 122:3 125:1,10,17,23,24 126:1 126:5,9,13,25 127:9
--	---	---	---	---

payable [2] 120:24 137:12	plan [2] 26:24 27:1	16:10,10,13,15,19 17:4 30:10,24 31:5,6 32:13,14 41:17,20 42:4 47:13,18 47:20,21,25 48:1,3,6 53:21 60:12,12,17 61:3 61:17 80:7 82:23,23 112:2 112:6,7,8,9 129:6	projects [16] 61:5,8,10 61:13,19 65:14,17,19 66:7 66:13,19 77:21 78:1,2,3 79:10	89:16,22,25 90:10,13 93:6 93:10,14 105:11,12,14 117:3 134:9,13
paycheck [2] 42:12 53:23	planning [2] 7:17 68:1	pretty [1] 113:15	promoted [1] 32:4	rates [1] 134:17
paychecks [2] 18:1 35:14	plans [2] 44:7 45:3	prevent [1] 105:12	promotion [1] 30:8	rather [2] 82:17 83:4
paying [10] 93:21 99:6 105:5,21,25 121:16,16 122:9 126:14 133:22	play [3] 25:5 38:23 46:8	previous [1] 88:16	promotions [1] 30:4	RE [1] 139:4
payment [13] 106:5 118:22 119:6,13 120:1,8 120:12 122:23 124:19 125:3,17,21 126:17	point [24] 23:18,19 24:22 27:14 28:3 29:13,18 31:21 31:25 33:5,9 34:2,3,6,24 38:8 39:25 40:15 42:2,5 68:12 88:2 116:1 126:10	previously [5] 57:11 62:3 118:14 119:24 128:11	prompted [1] 89:8	reach [1] 132:23
payments [3] 120:19 122:21 125:13	pointed [2] 107:19 134:12	prices [5] 106:2,2,3,3 119:9	pronounce [1] 82:9	read [6] 50:12,13 103:23 118:16,18 129:15
payroll [2] 53:23 138:5	pointing [1] 113:25	primary [1] 39:10	proof [17] 97:5 118:23,24 119:5 121:11 123:8,9,11 123:13,16,19 124:5 127:17 134:23 135:11,18 136:17	reading [2] 98:14 122:13
payrolled [1] 138:2	policies [110] 37:20 39:1 39:2,4,6,7,11,13,14 43:19 43:20,23 44:7,17,20 45:3 45:3,4,4,11 50:20,21,22 50:22,23 51:6,9,12,19 53:6 54:19 55:5,7,12 56:1 56:16 57:15,17,20 58:7 61:18,20 62:4,5,10,14,17 62:23 63:5,7,8,9,17,25 64:3,7,10,18 65:3 67:15 67:24 69:1 71:23 73:18 73:18 74:4 77:18,22,23 79:10 90:11,17 91:14,16 91:18,20 92:7,7,9,13,18 93:2,7,10,11,13 98:17 108:18,20 112:15 113:20 114:13,24 115:18 116:13 116:16,19 117:6,20 128:12,23 129:1,11,13 131:20 133:10,11 137:15 137:18,22	print [1] 71:24	propos [5] 86:14,18 86:20,20,23	reads [2] 88:19 107:10
pays [2] 10:15 11:16	policy [74] 23:15 27:4 55:17 56:7,10,13 62:19 65:21,22 66:16 68:9 69:4 69:17 70:1,3,7,8,11,14 71:2,23 72:5,10,13,16,25 73:9,9 74:7 78:8,12,13,17 78:25 79:2,5,11 80:16 90:24 106:9,19 113:6,6 113:16,17 119:1 123:7 124:14 128:10,17,17 129:18,23,25 130:11,21 130:23 131:1,4,12 132:4 132:8,16,20 133:4,6,8,10 133:13 136:23 137:2,5,7 137:11	privileged [1] 9:4	propos [5] 86:14,18 86:20,20,23	ready [1] 117:15
people [18] 20:10,12 38:4 48:12 53:25 61:2 65:1 66:4 83:3,5 87:19 101:10 121:18 129:19 131:3 132:7 135:9,21	polices [110] 37:20 39:1 39:2,4,6,7,11,13,14 43:19 43:20,23 44:7,17,20 45:3 45:3,4,4,11 50:20,21,22 50:22,23 51:6,9,12,19 53:6 54:19 55:5,7,12 56:1 56:16 57:15,17,20 58:7 61:18,20 62:4,5,10,14,17 62:23 63:5,7,8,9,17,25 64:3,7,10,18 65:3 67:15 67:24 69:1 71:23 73:18 73:18 74:4 77:18,22,23 79:10 90:11,17 91:14,16 91:18,20 92:7,7,9,13,18 93:2,7,10,11,13 98:17 108:18,20 112:15 113:20 114:13,24 115:18 116:13 116:16,19 117:6,20 128:12,23 129:1,11,13 131:20 133:10,11 137:15 137:18,22	problem [1] 51:7	provide [14] 5:22 87:7 87:13 91:7 109:15 119:4 120:6,7,8 123:1 124:17 124:24 125:15,15	realized [1] 62:2
Peoples [32] 12:1,7 13:14 14:6 16:9 33:10,18,22 34:8,12 35:1,3,24 36:5,23 37:17 39:18,25 40:6,7,13 40:18 41:18,20 42:1,19 52:18 56:12,20 63:16,24 85:19	policy [74] 23:15 27:4 55:17 56:7,10,13 62:19 65:21,22 66:16 68:9 69:4 69:17 70:1,3,7,8,11,14 71:2,23 72:5,10,13,16,25 73:9,9 74:7 78:8,12,13,17 78:25 79:2,5,11 80:16 90:24 106:9,19 113:6,6 113:16,17 119:1 123:7 124:14 128:10,17,17 129:18,23,25 130:11,21 130:23 131:1,4,12 132:4 132:8,16,20 133:4,6,8,10 133:13 136:23 137:2,5,7 137:11	procedural [4] 105:1,1 110:25 111:7	provided [13] 6:1,3 9:24 10:4 80:22 87:8,10 98:11 117:5 119:1 121:8 124:15 126:21	really [10] 8:16 21:15 26:25 32:10 38:14 39:3 45:17 59:10 71:10 130:13
percent [2] 59:11 73:25	policyholders [4] 106:19 116:4 126:12,12	procedure [2] 3:3 107:14	providing [1] 110:18	reask [1] 96:25
perception [1] 108:17	pose [1] 84:5	procedures [13] 25:6,7 86:21,24 99:12 104:25 105:3 107:8 109:7,8 110:20 122:7,10	Public [3] 3:5 139:5,24	reason [7] 5:19 22:19,20 83:24 89:17 90:19 122:8
perform [13] 11:17,19,23 11:24 12:4,10 13:9,12 14:13,14 17:10 19:12 49:25	position [1] 107:7	processed [3] 33:7,7 43:16	purchased [1] 22:3	receive [3] 84:2 119:10 123:25
performed [3] 37:17,20 53:15	possible [1] 4:20	processes [1] 99:12	purpose [3] 7:12 58:4 109:9	received [10] 6:17 27:1 27:3,9 95:21 109:24 110:4 114:19 125:2 136:17
performing [6] 16:18 17:18,25 19:23 20:17 39:12	possibly [1] 113:16	processing [5] 31:20 91:15 117:18,20 123:25	pursuant [1] 3:2	receiving [1] 122:8
perhaps [5] 71:11 80:19 87:23 94:12 131:25	practical [1] 7:23	processors [1] 31:20	put [11] 28:12 37:4 41:13 54:13 99:11,19 101:5 104:24 110:22 124:3 128:5	recently [1] 116:9
period [9] 22:23 26:13 28:19,24 29:4 37:7 38:13 100:12 132:15	predates [1] 97:14	produced [3] 3:2 80:18 80:21	questioning [1] 44:10	recess [5] 44:15 88:4 128:15 135:25 136:8
person [9] 47:4 100:24 128:24 129:24,24 130:1 131:21 133:4 134:13	predecessor [2] 128:5 131:25	product [38] 10:9 27:5,6 48:6 61:24,24 62:1 65:16 65:24 66:10,14,16,18,21 66:24,25 67:3,10,16,17 71:12 75:12,16,18,20 76:2 76:12,14,15,22 77:6,7,8 80:5 105:16 113:1 129:2 129:6	questions [13] 7:15,25 8:3,11 9:5 68:15 89:19 108:11 133:15,16 136:2,6 136:12	recommendation [2] 108:18,23
personal [5] 5:2,2,3,3 107:20	prefer [1] 81:19	products [33] 44:3,4,5 44:20,21,24 45:2,6,18,23 46:2 61:6 65:12,20 67:21 71:20 76:9 78:5,7,15 112:19,25 113:4,5,8,9,10 113:11,13,14 114:12,13 133:7	quick [1] 136:12	recommended [2] 101:23 110:21
personnel [1] 128:20	premium [5] 28:16 31:19 33:3 37:23 47:20	progressed [3] 29:18 30:6,16	quickly [1] 4:20	record [2] 115:6 136:11
persons [6] 89:5 100:24 103:24 134:12 135:15 137:13	preparation [2] 9:17 10:2	progressing [1] 30:25	quote [7] 88:19 113:1,2 121:20,22 122:12,13	records [4] 78:12,16 115:11,12
PFL [6] 33:11,13,14 73:19 73:22 75:5	prepared [3] 8:25 9:16 73:4	progression [1] 36:11	rate [17] 85:11 89:13,14	recover [1] 106:19
Ph.D [1] 27:25	president [42] 16:3,5,7,7	progressive [1] 29:20		refer [12] 13:25 15:9,11 15:11,22 70:7,9,14 84:2 94:21 98:7 101:5
phonetically [1] 100:6		project [33] 47:14 61:4,6 61:7,17,25 65:13,24 66:3 66:5,10,12 76:1,25 77:17 99:11,20,21 100:11,13,15 100:20 101:5,9,13 104:25 111:15 112:20 113:3 116:11,13,18 117:15		reference [4] 57:4 81:19 93:18 128:9
phrases [1] 70:10				referred [2] 60:21 70:19
physician [1] 127:16				referring [18] 11:9 15:14 15:17,21 30:16 31:3 70:20 93:21 94:8 96:11,16,17 96:19,21 97:3,4 99:5 121:6
place [3] 115:13 125:14 139:11				reflect [3] 84:14 119:12 136:21
places [7] 11:4,6,10 20:17 52:13,16 60:7				reflected [2] 118:12 121:25
Plaintiff [2] 2803:5,19				reflects [1] 121:10

-Q-

questioning [1] 44:10
questions [13] 7:15,25
8:3,11 9:5 68:15 89:19
108:11 133:15,16 136:2,6
136:12
quick [1] 136:12
quickly [1] 4:20
quote [7] 88:19 113:1,2
121:20,22 122:12,13

-R-

R [2] 2803:20 139:1
raised [1] 72:20
Rapids [8] 58:11,16,24
59:7,24 60:12,20,23
rate [17] 85:11 89:13,14

reflect [3] 84:14 119:12
136:21
reflected [2] 118:12
121:25
reflects [1] 121:10
regard [12] 5:9 6:18 8:5
39:13 64:12 65:19 72:13
73:8 77:18 79:11 87:13
101:8
regarding [1] 84:3
regards [1] 5:12
registering [1] 120:24
related [6] 5:6 67:16
68:17 78:16 90:16 139:16
relation [2] 6:3 61:19
relationships [1] 29:11
relative [1] 139:18

Case 1:07-cv-00016-JEP-BEN Document 85-2 Filed 06/03/07 Page 21 of 23 PageID #: 1594

107:22 118:7 127:7 starting [5] 29:22 68:9 107:3 108:9,13 state [12] 71:7 72:3,6,7,8 72:9,14,15 73:6 111:6,6 139:2 statement [7] 56:17 122:20 124:18 125:12,16 125:20 127:16 statements [2] 119:9 127:18 states [6] 2803:1 69:8 72:4,11,16 111:21 statute [2] 15:14,21 statutory [42] 13:24 14:19 15:3,8,9,11,16,20 19:15 31:12,17 33:8,15 35:5,19,23 36:4,21 37:18 42:8 50:6 53:5 54:8 56:19 57:11,13,23 58:2 60:21 60:24 62:14 63:20,22 64:7 64:10 66:20,23 67:8,10 74:7 92:21 115:21 STD [3] 44:25 45:2 51:10 step [4] 37:16 61:1 62:2 65:11 steps [1] 99:16 Steve [19] 85:1,8 87:6,18 87:20 89:4,5,9,12,21,24 90:9 100:12,14,23 101:25 105:4,24 117:2 still [3] 36:20 87:4 102:11 STIPULATIONS [1] 2:3 stood [1] 71:17 stop [9] 7:9,9 26:22,23 27:6 28:20 88:21 94:6 134:9 stopped [1] 26:9 stopping [1] 88:2 store [1] 80:15 stored [1] 79:1 structure [1] 115:10 subject [11] 7:22 68:7 72:21 90:20,21 91:13 92:2 108:1,11 109:9,23 subjects [3] 7:6 108:12 109:6 submission [1] 98:10 submit [3] 118:20 119:14 123:16 submitted [3] 98:11,18 121:11 submitting [9] 96:21 97:11,20 98:3,16 106:7,8 118:19,24 subsidiaries [3] 11:19 13:20 19:6 subsidiary [10] 10:17 10:20 11:17 16:17,21,23 34:12 35:23 36:4,7 substance [1] 5:4 subsumed [1] 107:25 Such [2] 23:1,2 Suite [2] 2803:18,20	suited [1] 131:8 summary [3] 121:20 122:17 125:10 supervise [6] 44:18,21 45:6 49:12 50:15 65:9 supervised [3] 38:25 41:5 50:10 supervises [1] 46:4 supervising [1] 41:14 supervision [1] 139:9 supervisor [11] 29:5,16 29:23 30:7,12 31:8,11,16 31:23 39:20 46:24 supervisors [2] 41:5 102:2 supplement [4] 90:22 91:1,6,7 supplemental [8] 57:4 74:15,24 90:20,21,23,24 91:7 supplements [1] 90:23 switch [3] 35:9,12 108:25 switched [2] 34:8 37:3 sworn [3] 2:4 3:10 139:13 system [27] 71:22,25 77:22,22 78:4,5,6,8,9,12 78:13,13 79:3,12,20,22 79:25,25 95:1,4 115:16 115:19,20 116:4,5 124:4 139:10 systems [7] 61:6 78:1,2 78:2,14 80:10,15 <hr/> -T- T [3] 2:7 139:1,1 taking [1] 7:3 tangent [1] 20:24 taxes [1] 28:16 team [17] 30:7 31:7,11,16 31:23 99:11,20,21 100:11 100:20 101:5,9,13 104:25 111:15 116:12 129:12 team's [1] 113:3 technology [2] 47:19 80:15 telling [1] 104:17 template [1] 75:13 Tennessee [4] 2803:2 72:9,14 73:1 Tens [2] 114:9,22 tenure [1] 130:2 Teralyn [4] 47:13 61:3 61:17 65:11 Teresa [2] 100:13,23 term [5] 15:22 90:21 113:1 136:22 137:1 terms [4] 42:11 72:10 133:5,6 terrible [1] 21:11 testified [1] 3:11 testify [2] 73:4 129:17 testimony [5] 6:1 10:2 108:14,15 135:7	text [5] 91:23 92:1 98:9 113:19,21 thank [4] 102:21 136:2 138:10,11 themselves [1] 4:6 thereafter [1] 30:1 thinking [2] 45:7,23 third-party [3] 12:13,14 13:1 THOMAS [1] 2803:15 thought [6] 22:9 34:22 71:11 92:13 115:10 131:24 thousands [3] 114:9,22 114:23 three [6] 26:8 44:20 101:25 103:21 104:8 136:6 threw [1] 59:23 through [23] 4:20 15:5 19:15 30:1,3,5 48:16,17 54:7 62:20,25 63:2,6,11 65:8 79:17 80:22 82:17 83:4 87:24 88:21 93:16 135:5 ties [1] 72:19 times [3] 4:23,25 135:6 title [40] 14:25 15:2,6 16:1 22:16 24:21 27:14 29:25 30:8,15,17,18,25 32:8,11,17 40:1,9,12 41:1 41:14,17,23 42:24 43:2 46:17 47:8,9 53:20 59:2,3 60:9,10,16 82:22 86:1 112:5,5,6 130:14 titled [1] 97:10 titles [6] 15:2,3 29:20 30:5 42:8 47:22 today [14] 6:6 7:15 14:13 14:13 22:6 55:18 62:7,12 72:22 85:17 109:17,19 116:8 128:24 today's [4] 8:25 9:16,17 10:2 together [6] 35:10 90:9 99:11,20 101:6 104:24 Tom [1] 4:3 too [3] 94:18 106:23 109:2 took [6] 21:25 42:23 43:1 44:16 66:14 108:5 top [6] 22:13 24:3 73:10 82:3 114:1 115:7 topic [3] 2:2 88:25 135:13 topics [3] 8:11 109:23 110:3 TPA [5] 17:7,10 27:3,9 28:14 track [1] 71:23 tracks [1] 71:25 training [5] 24:8,14,17 24:17 27:21 Transamerica [78] 2803:24,26 10:13,14,17 10:20 11:16,16,24,25 12:3 12:6,6,9 13:13,13,16 14:4 14:5,7 15:13 16:4,6,14 18:1 40:17,19,20 42:3,4 42:14,22 43:3,5,8,10 44:19 46:19 49:19,23 52:11,15,23 54:1,14 55:11 55:16,24 56:5,6,9 57:3 62:22 63:4 64:2,12 66:22 67:7,13,16,20,23 68:17 68:22 91:20,24 93:6,10 112:13,15 113:20 114:13 115:18 116:1 117:25 128:2,7,14 TransAmerica's [1] 92:7 transcribed [1] 139:9 transcript. [1] 2:17 Transcription [1] 139:10 transfer [1] 42:24 transferred [3] 26:1 78:17 79:6 transitioned [1] 100:14 treated [1] 123:15 treating [1] 123:4 treatment [1] 122:21 treatments [1] 126:7 trouble [1] 6:7 true [2] 124:24 139:8 truth [4] 3:11 139:13,14 139:14 try [7] 4:20 56:6 57:22 58:12 105:12 129:15 130:20 trying [18] 20:6 35:9 37:13 42:10 43:22 48:16 48:21 51:7 54:25 58:5 105:11,13 111:12 118:7,8 119:19 126:22 134:9 turn [3] 81:3 88:5 94:14 two [26] 4:25 5:3,5 6:15 6:20 8:8 23:8,21,22 26:8 26:8,12 32:10,15,23,24 32:25 34:14 35:5 68:5 69:8 93:11 108:10,17,21 135:6 type [15] 17:13,17 26:21 26:24,24 27:4,5 28:17 51:8 88:7 112:22 120:9 121:8 122:16 133:13 types [16] 20:12 39:3,14 39:15,17 44:9 45:11 49:14 49:15 50:22 95:23 96:2 118:19 119:8 130:12 133:7 <hr/> -U- U.S [1] 60:4 ultimately [1] 103:17 unaware [1] 132:5 under [18] 14:19 16:24 19:12,23 20:17 35:5 37:20 44:24 45:2 63:20 67:7,11 67:16 114:25 119:1 138:6 139:9,21 understand [36] 5:21 7:1 9:5,7 12:19 19:3,21 20:6 42:10 43:22 46:10 54:12 54:25 55:1 66:11 67:1 70:4 74:5 75:24 77:13,15 78:10,20 83:24 84:20,23 89:17,20 105:12,14 109:25 115:9 119:18,19 125:8 129:14 understood [2] 5:23 6:25 undertaken [1] 135:1 underwriter [2] 38:25 117:1 underwriting [8] 31:22 31:24 33:3 38:6,19,23 48:2 116:22 uniform [1] 117:17 unit [6] 102:23 103:6,13 112:6,8,8 United [3] 2803:1 73:11 73:12 units [3] 18:19 20:10 102:24 university [3] 3:6 21:5 24:6 unknown [1] 100:23 unless [1] 8:8 up [20] 18:4,5 25:12 28:18 29:18 30:6,16,25 54:18 60:11 74:14 75:11 81:17 82:3 83:13 88:8 94:12 103:16 114:1 116:11 update [4] 78:4,4 79:16 127:21 updating [6] 78:6,9,11 78:13,19,20 Upgraded [2] 79:23,24 uploaded [1] 28:13 USA [32] 10:20 11:1,4,17 12:12,21,24 13:17,20,23 13:24,25 14:3,10,15,19 16:16,17,19,20,21 17:4 17:14 37:5,8 53:5,13 137:17,21,24 138:2,7 usage [1] 15:22 used [20] 18:18 20:23 57:6,8,23 62:6,17 64:9 70:10 71:9 74:2,2,7,20,21 87:14 92:20,21,22 111:4 uses [3] 58:2 60:21 62:13 using [7] 63:13,15,21 64:6 71:3 75:12 122:11 <hr/> -V- variation [4] 72:7,9,15 73:6 various [8] 15:2 17:25 19:14 44:3 54:8 57:10 95:9 111:20 vary [1] 72:10 verbalize [1] 9:10 version [4] 76:19 80:1 97:13,19 versions [3] 70:11 88:16 130:23 vice [38] 16:3,5,7,7,10,10
--	---	--

16:13,15 30:9,24 31:5,5 32:13,14 41:17,20 42:4 47:13,18,20,21,25 48:1,2 48:6 53:21 60:17 61:3,17 80:7 82:23,23 112:2,6,7,8 112:9 129:5 virtually [1] 68:6 VP [22] 18:3 22:17,17 30:15,18,21,23 31:1,3 32:8,9,23,24 40:10,12 41:23 43:4,10,25 44:18 45:9 46:6 VS [1] 2803:6	-X- X [2] 2:1,7 -Y- y'all [1] 105:21 year [8] 23:21 25:24 29:25 32:25 76:13 132:19,21 133:1 years [26] 5:10,13,15,17 9:10 23:22 26:8,12 30:4 32:10,16,20,23,24,24,25 40:1,9 74:13 106:1,11,13 106:14 133:2,7,9 yesterday [2] 6:8 21:16 yet [2] 67:4,19 York [3] 13:5 17:8,11 yourself [2] 129:21,22			
-W- Wagoner [3] 48:2,14,25 walk [4] 30:1,3,5 32:7 ways [1] 124:22 Wednesday [2] 80:21 80:23 week [1] 24:2 Western [7] 12:2,8 13:15 14:6 16:12 52:20 64:5 White [4] 3:5 139:3,6,24 Whitlock [12] 2803:11 2:4 3:1,9 4:16 6:22 8:24 10:11 46:4 82:4 136:11 139:4 Whitlock's [2] 68:6 72:20 whole [3] 108:10 109:9 139:14 wholly [1] 12:16 Williams [4] 2803:15 2803:17 4:7,7 within [4] 26:3 45:5 107:25 109:7 without [2] 104:18 123:19 witness [7] 2:4 3:2,10 10:9 28:21 77:11 139:12 WITNESS' [1] 2:19 woman [1] 18:5 word [3] 51:10 57:8 66:11 wording [1] 88:23 words [4] 5:20 88:13 105:21 106:12 worked [17] 21:21,23 22:24 23:7,7,8 25:20 26:21 33:14 73:16,18,19 74:21 99:11 100:10 133:7 133:8 works [7] 37:2 46:21 60:4 60:7 85:23 104:16 130:7 Worksite [1] 2803:24 world [1] 104:15 write [4] 83:14,16,18 87:4 writing [1] 81:10 written [2] 8:14 68:10 wrong [3] 57:8 117:2 121:18 wrote [1] 126:7	-[- [*Attached] [1] 2:17 [Taken] [1] 2803:12 -}- } [1] 139:3 }ss [1] 139:2			